

Also, a bill (H. R. 9037) removing charge of desertion against Charles W. Botkin—to the Committee on Military Affairs.

Also, a bill (H. R. 9038) to correct war record of Elijah I. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 9039) to remove the charge of desertion against John Spruens—to the Committee on Military Affairs.

Also, a bill (H. R. 9040) to remove the charge of desertion against D. W. Light—to the Committee on Military Affairs.

Also, a bill (H. R. 9041) to remove charge of desertion against Adam R. Hartzell—to the Committee on Military Affairs.

By Mr. SUTHERLAND: A bill (H. R. 9042) granting an honorable discharge to Peter Green—to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 9043) to increase the pension of David S. Snyder—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 9044) granting an increase of pension to George W. Cone—to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 9048) for the relief of the estate of Eliza Breckenridge, deceased—to the Committee on Claims.

Also, a bill (H. R. 9049) granting a pension to Henry C. Larew—to the Committee on Invalid Pensions.

By Mr. BROMWELL: A bill (H. R. 9050) for the relief of Augusta Ullman—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the board of directors of the Boston Merchants' Association, for competing cable facilities between the United States and Cuba, etc.—to the Committee on Insular Affairs.

Also, resolution of Local Union No. 321, of Connellsville, Pa., Brotherhood of Carpenters and Joiners, against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

By Mr. ADAMSON: Petition of Ralph O. Howard and other druggists of Columbus, Ga., for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. BELLAMY: Petition of members of the Albemarle bar, practicing in the United States circuit and district court at Charlotte, N. C., for the passage of a bill for the appointment of a resident clerk of said courts at Charlotte, N. C.—to the Committee on the Judiciary.

By Mr. BULL: Resolutions of the New England Shoe and Leather Association, Boston, Mass., favoring the passage of House bill No. 887, in the interest of manufacturing and commercial industries—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Local Union No. 4, International Brotherhood of Bookbinders, Washington, D. C., urging the passage of House bill No. 6872, authorizing the printing of the label of the Allied Printing Trades on all publications of the Government—to the Committee on Printing.

Also, petition of the libraries of Providence, R. I., in favor of the bill to establish a library post—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Resolutions of the New England Shoe and Leather Association, of Boston, Mass., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Petition of Williams & Anderson and 3 other drug firms of Estherville, Iowa, relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. EMERSON: Petition of W. S. Lawrence and others, of Moriah, and G. Green and others, of Brushton, N. Y., in favor of the passage of House bill No. 3717, relating to oleomargarine and other dairy products—to the Committee on Agriculture.

By Mr. FITZGERALD of New York: Resolution of the employees of the New York Navy-Yard, requesting the building of war vessels at the Government navy-yards—to the Committee on Naval Affairs.

Also, memorial of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. GAMBLE: Resolutions of the National Live Stock Association, favoring the granting to the Interstate Commerce Commission adequate powers to fix rates, correct preferences and discriminations, and giving legal effect to their decisions—to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany House bill No. 1943, for the relief of Simon Price—to the Committee on Invalid Pensions.

By Mr. GRAHAM: Petition of the Central Accident Insurance

Company, of Pittsburg, Pa., urging the passage of the Sperry bill, and suggesting that the stamp act for the marine-insurance companies be extended to other insurance lines—to the Committee on Ways and Means.

Also, petition of the United National Association of Post-Office Clerks, Branch No. 33, in favor of the passage of House bill No. 4351, for the reclassification of salaries of clerks in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the National Park and Forest Reserve Association, American Public Health Association, Minnesota State Federation of Women's Clubs, and others, in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. GREEN of Pennsylvania: Resolution of the Fireman's Association of the State of Pennsylvania and of the Reading Fireman's Relief Association, of Reading, Pa., in opposition to the passage of Senate bill No. 1743, establishing a division for the regulation of insurance among the several States—to the Committee on Interstate and Foreign Commerce.

Also, evidence to accompany House bill No. 3787, in support of the claim of Morris F. Cawley—to the Committee on War Claims.

Also, paper to accompany House bill No. 8268, for the relief of Levi L. Reed—to the Committee on Military Affairs.

By Mr. HENRY of Mississippi: Evidence relating to the claim of Martha A. Dochterman, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. KITCHIN: Resolution of the Chamber of Commerce of Charlotte, N. C., in favor of a bill providing a resident clerk of the United States circuit and district courts held at Charlotte, N. C.—to the Committee on the Judiciary.

By Mr. MERCER: Petition of cattle raisers of Rock County, Nebr., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. NAPHEN: Petition of M. W. Addison, in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. NEVILLE: Evidence to accompany House bill for the relief of Benjamin Longpre—to the Committee on the Public Lands.

Also, brief and argument of Thomas C. Patterson and T. W. Blackburn, in support of bill for the relief of Benjamin Longpre—to the Committee on Claims.

By Mr. RUCKER: Petition of John S. Page and other citizens of Galt, Mo., asking for the enactment of a law granting a pension to Missouri State Militia—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of Hopewell Grange, No. 686, Patrons of Husbandry, Wagoner, Ind., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jos. T. McNary and others, of Logansport, Ind., asking that a pension be granted to Mary J. Stevenson—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Petition of South Platte Congregational Church, Hall County, Nebr., for the prohibition of the sale of liquors in Army canteens, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. YOUNG of Pennsylvania: Petition of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, petition of the South St. Paul Live Stock Exchange, in opposition to the passage of House bill No. 6, imposing a tax on the manufacture and sale of oleomargarine—to the Committee on Ways and Means.

#### SENATE.

THURSDAY, March 1, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

#### REPORT OF INDUSTRIAL COMMISSION.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from Senator KYLE, chairman of the Industrial Commission, transmitting a preliminary report of the Industrial Commission, and also a compilation of the laws of the United States and of the States and Territories affecting large industrial combinations and the decisions under them, which has been prepared under the supervision of the commission. The communication, with the accompanying papers, will be referred to the Committee on Printing, if there be no objection.

## TELEPHONE CHARGES IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 15th ultimo, a statement from their attorney containing full information regarding telephone rates, etc., in the District of Columbia; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

## PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a memorial of Local Union No. 6, Cigar Makers' International Union, of Syracuse, N. Y., remonstrating against the importation of cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a petition of Local Union No. 246, Cigar Makers' International Union, of Salamanca, N. Y., and a petition of the Central Trades and Labor Assembly, of Syracuse, N. Y., praying that the remaining public lands of the United States be held for the benefit of the whole people, etc.; which were referred to the Committee on Public Lands.

He also presented memorials of the Mount Pleasant News, of North Tarrytown; the Daily Journal of Finance, of New York City; the Roxbury Times, of Roxbury, and of Bennett's Weekly, of New York City, all in the State of New York, remonstrating against the passage of the so-called Loud bill relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 104 members of the Society of the Daughters of the Revolution, of Buffalo, N. Y., praying for the employment of women nurses in the military hospitals of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of Local Grange No. 71, Patrons of Husbandry, of Lowville, N. Y., praying for the passage of the so-called pure-food bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New York State Brewers and Maltsters' Association, praying for the enactment of legislation to amend sections 3339 and 3341 of the Revised Statutes of the United States, relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented a petition of the Republican committee of the Fourth assembly district of Brooklyn, N. Y., and a petition of the Kings County Republican general committee, of Brooklyn, N. Y., praying that the construction of the proposed twelve new gunboats and six cruisers be done at the navy-yards of the country, and that preference be given the New York Navy-Yard; which were referred to the Committee on Naval Affairs.

He also presented a petition of the Chamber of Commerce of Rochester, N. Y., praying for the adoption of certain amendments to the interstate-commerce law, and also for the reorganization of the consular service of the United States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Local Union No. 77, International Brotherhood of Bookbinders, of New York City, praying for the enactment of legislation authorizing the printing of the label of the Allied Printing Trades on all publications of the Government; which was referred to the Committee on Printing.

Mr. PERKINS presented a petition of the Chamber of Commerce of San Diego, Cal., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Oakland, Cal., praying for the enactment of legislation to revive the merchant marine of the country; which was referred to the Committee on Commerce.

He also presented petitions of the Chamber of Commerce of Sacramento; the California Club, of San Francisco; the California Camera Club, of San Francisco; the Society of California Pioneers, of San Francisco, and of Stockton Grange, Patrons of Husbandry, of Stockton, all in the State of California, praying that an appropriation be made for the purchase by the Government of the Calaveras big trees in California for the purposes of a national park; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Board of Trade of Oakland, Cal., praying that an appropriation be made to continue the irrigation investigations made by the Department of Agriculture; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. HARRIS presented a petition of sundry citizens of Newton, Kans., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PENROSE presented a petition of the Grocers and Merchants' Exchange, of Philadelphia, Pa., praying for the enactment of legislation to increase American shipping; which was ordered to lie on the table.

He also presented a petition of sundry druggists of Johnstown, Pa., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Presbyterian Church of Darbyborough, Pa., praying that until legislation shall be enacted for the new possessions of the United States all acts of Congress now in force be extended to them so far as they relate to bigamy, divorce, etc.; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of the American Steel Hoop Company, of Pittsburgh; the Frick Company, of Waynesboro; the American Road Machine Company, of Kennett Square; the Reading Stove Works, of Reading; the Pittston Stove Company, of Pittston; the Market Basket Publishing Company, of Philadelphia; the Giesen Manufacturing Company, of Waynesboro, and the Cambria Steel Company, of Philadelphia, all in the State of Pennsylvania; the petition of A. H. Bausman, of Lancaster, Pa., and a petition of the American Lever Company, of Providence, R. I., praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM presented a memorial of the Medical Society of Chicago, Ill., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of B. N. Haslett and 8 other citizens of Kankakee, Ill., and a petition of Local Union No. 294, Iron Molders' Union, of Rockford, Ill., praying for the enactment of legislation to increase the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of William D. McKey and 3 other citizens of Chicago, Ill., praying for the enactment of legislation to amend the internal-revenue stamp act so that insurance companies, through their head office, shall annually pay the tax on premiums direct to the Government, etc.; which was referred to the Committee on Finance.

He also presented a petition of 7 druggists of Aurora, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented petitions of Local Union No. 29, International Broom Makers, of Chicago; of Local Union No. 294, Iron Molders' Union, of Rockford; of Local Union No. 826, United Mine Workers, of Barclay, and of the Federation of Labor of Rockford, all in the State of Illinois, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service of laborers, workmen, and mechanics, etc., upon the public works of the United States; which were referred to the Committee on Education and Labor.

He also presented a petition of the California State Grange, Patrons of Husbandry, of San Jose, Cal., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. ALLEN presented petitions of the Central Labor Union of Omaha, Nebr., and of Local Union No. 276, Cigar Makers' International Union, of Plattsmouth, Nebr., praying that all the public lands be held for the benefit of the whole people, and that the Federal Government build storage reservoirs to save the flood waters that are now wasted, etc., which were referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of sundry citizens of Wymore, Nebr., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors, and also to prohibit gambling and the opium trade in Hawaii; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of Local Union No. 276, Cigar Makers' International Union, of Plattsmouth, Nebr., remonstrating against the importation of cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. FORAKER. I present a petition of the Chamber of Commerce of Cincinnati, Ohio, praying that the Government acquire additional ground at the military post known as Fort Thomas, Ky., adjacent to that city. I ask that the petition be printed in the RECORD, and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Cincinnati Chamber of Commerce. Preamble and resolutions adopted February 27, 1900.

Whereas the military post known as Fort Thomas, Ky., adjacent to Cincinnati, is an ideal location for such an Army home, being situated geographically in the center of population of the United States, in ready communication by rail and water transportation with all sections of the country, having an altitude of 500 feet above the Ohio River, thereby secure from malarial influences, with abundance and purity of water supply, and conditions generally which favor such occupancy; and



Whereas the permanency of this post in its present location is jeopardized by lack of needful extent of grounds for drill purposes, the present area not being sufficient for the movements of a single battalion; and

Whereas the Government has acquired options on several tracts of available lands, which options will expire with the present session of Congress: Therefore,

*Resolved by the Cincinnati Chamber of Commerce*, That it is important that prompt action by the Government should be had for acquisition of additional grounds for uses of Fort Thomas, to the end that this attractive and healthful situation may be made the better to serve the requirements and to insure the permanency of this military post.

*Resolved*, That the Senators and Representatives from the States of Ohio and Kentucky be, and are hereby, respectfully requested to favor and to use their influence on behalf of such action as is herein mentioned.

Mr. HOAR presented a petition of sundry members of the East Pomona Grange, Patrons of Husbandry, of Worcester, Mass., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. DEPEW. I present petitions of 21 labor organizations and 50,000 workmen of New York, praying that the work in the building of the new war ships be done in the navy-yards of the country, especially, as far as possible, in the New York Navy-Yard, where they have not enough work to employ the men who are regularly on the list. I move that the petitions be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. FRYE presented a memorial of the Journal of Medicine and Science, of Portland, Me., and the memorial of C. W. Close, publisher of The Free Man, of Bangor, Me., remonstrating against the passage of the so-called Loud bill relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Cincinnati Section of the American Chemical Society, praying for the establishment of a national standard bureau in connection with the United States Office of Weights and Measures; which was referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1349) authorizing the Secretary of War to issue an honorable discharge to William S. Clinton, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COCKRELL subsequently said: From the Committee on Military Affairs I report adversely the bill (S. 2387) authorizing the Secretary of War to issue an honorable discharge to William S. Clinton. I reported one bill adversely this morning, but it seems there were two bills of the same kind referred to the Committee on Military Affairs, and this report is made so as to clean off the docket. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. PENROSE, from the Committee on Commerce, to whom was referred the bill (S. 3286) to diminish the number of appraisers at the ports of Philadelphia and Boston, reported it with an amendment.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 2499) to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city, reported it with amendments, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 966) to place Louis J. Sacriste on the retired list of the Army, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 412) granting a pension to Francis Fox, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 149) to remove the charge of desertion from the record of Almond H. McNinch, reported it with an amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 3166) to amend an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1772) for the payment of the claim of M. M. Defrees for the construction of a sewer adjacent to the lands of the United States known as the "Arsenal grounds," in the city of Indianapolis, Ind., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2841) for the relief of the legal representatives of John Roach, deceased, reported it without amendment, and submitted a report thereon.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 2679) declaring certain trestles of the

Washington County Railroad Company to be lawful structures, reported it with an amendment, and submitted a report thereon.

Mr. RAWLINS, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 6493) for the relief of John Anderson, a Pottawatomie Indian, and his adult children, reported it without amendment.

#### ASSISTANT CLERK TO COMMITTEE ON TERRITORIES.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. SHOUP on the 23d ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the Committee on Territories be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of \$1,440 per annum.

#### ASSISTANT CLERK TO COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PETTIGREW on the 5th ultimo, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Indian Affairs be, and it is hereby, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of \$1,440 per annum, until otherwise provided by law.

#### STENOGRAPHER FOR COMMITTEE ON INDIAN AFFAIRS.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. THURSTON on the 27th ultimo, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Indian Affairs be, and it is hereby, authorized to employ a stenographer to report hearings before said committee, the expense of the same to be paid from the contingent fund of the Senate.

#### PAYMENT OF STENOGRAPHER.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DANIEL on the 27th ultimo, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the stenographer employed to report the hearings held and to be held by the Select Committee on Woman Suffrage be paid from the contingent fund of the Senate.

#### ORGANIZATION AND JURISDICTION OF COURTS.

Mr. HOAR. I am directed by the Committee on the Judiciary to move that the report of the commission to revise the statutes regarding the organization and jurisdiction of the courts of the United States, which was a partial report, be returned to the Attorney-General, to be laid before the commission again for their further consideration. I ask that that order be now adopted.

Mr. COCKRELL. I did not quite hear what the order is.

Mr. HOAR. The order is that the report of the commission made through the Attorney-General under the statute in regard to the revision of the laws of the United States relative to the jurisdiction and the constitution of Federal courts be returned to the Attorney-General to be by him laid again before the commission for further consideration.

The commission has made only a partial report. The American Bar Association and the Bar Association of Cincinnati and other associations have desired a hearing upon some matters connected with that report. The bar associations of several other cities, I think, including St. Louis, at any rate including, I know, Philadelphia and one or two others, Chicago, are taking steps with a view to appointing committees to be heard.

It is absolutely out of the question that a subject which will occasion so much debate shall be dealt with by the Senate at the present session of Congress. The Senator, of course, is aware how likely there will be conflicting views upon it. We think it best, therefore, that the commission shall hear these communications from the bar associations and make their report complete before the Senate shall take it up for action. I merely ask for the return to the commission of the partial report.

Mr. COCKRELL. The report has not yet been printed.

Mr. HOAR. Yes. It has not been laid before the Senate in the form of a bill, but it has been communicated to the Senate by the Attorney-General and printed as a document.

Mr. COCKRELL. I have been trying to get a copy of it. I did not know that it had been printed.

Mr. HOAR. It has recently come from the Printer.

Mr. COCKRELL. Then this is simply to refer it back to the commission?

Mr. HOAR. To refer it back so that they may hear these parties.

Mr. COCKRELL. And it is to be resubmitted to the Senate?

Mr. HOAR. And then the full report will be submitted to the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

## MISSOURI RIVER BRIDGE.

Mr. McMILLAN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3360) to extend the time for the completion of a bridge across the Missouri River, to report it favorably without amendment, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The bill will be read in full to the Senate for its information.

The bill was read, as follows:

*Be it enacted, etc.,* That section 6 of the act approved March 3, 1899, authorizing the Dakota Southern Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River, at the city of Yankton, S. Dak., be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 3, 1901, and by extending the time for completing said bridge to March 3, 1904.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## PENSION APPROPRIATION BILL—PRIVATE PENSION BILLS.

Mr. GALLINGER. Mr. President, I ask unanimous consent that on Saturday next at 3 o'clock the Senate shall proceed to the consideration of the bill (H. R. 6627) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes, and that if any time remains after the consideration of that bill and before adjournment it be devoted to the consideration of unobjected private pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that at 3 o'clock on Saturday next the pension appropriation bill be taken up for consideration, and that if any time is left after the completion of the consideration of that bill it shall be given to the consideration of unobjected private pension bills. Is there objection to the request? The Chair hears none, and it is so ordered.

## BILLS INTRODUCED.

Mr. NELSON introduced a bill (S. 3396) for the relief of the Mille Lacs Chippewa Indians in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HANNA introduced a bill (S. 3397) to correct the military record of Peter D. Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3398) to correct the military record of Henry Fishering; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3399) granting an increase of pension to Moses K. Hitchcock (with accompanying papers);

A bill (S. 3400) granting an increase of pension to Charles T. Shaw;

A bill (S. 3401) granting an increase of pension to John H. Hicks (with accompanying papers);

A bill (S. 3402) granting a pension to Thomas Graham (with accompanying papers);

A bill (S. 3403) granting a pension to Cyrus Schull (with accompanying papers); and

A bill (S. 3404) granting a pension to Alexander Hudnell (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 3405) to correct the military record of Edward Means; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3406) to correct the military record of L. L. Bedell, alias Latero Degroat; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3407) granting an increase of pension to Thomas T. Ricketts; and

A bill (S. 3408) granting a pension to William Hershberger.

Mr. PENROSE introduced a bill (S. 3409) to correct the naval record of Frank Murphy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McMILLAN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3410) to open and improve Cathedral avenue, and for other purposes;

A bill (S. 3411) to provide for the removal of overhead telegraph

and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes; and

A bill (S. 3412) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898.

Mr. COCKRELL introduced a bill (S. 3413) granting an increase of pension to George W. McDowell; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition of the claimant, George W. McDowell, Company H, Twenty-fifth Regiment Wisconsin Volunteer Infantry, together with the affidavits of Drs. S. W. Saunders and Thomas W. Flag, and of J. W. Taylor and F. L. Wheeler. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. THURSTON introduced a bill (S. 3414) authorizing the Dewey Hotel Company to construct and maintain an electric conduit on Stanton alley; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3415) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3416) extending relief to Indian citizens, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CARTER introduced a bill (S. 3417) opening the abandoned Fort Buford Military Reservation to homestead settlement and entry; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3418) granting an increase of pension to Eliza Adelaide Ball; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3419) making further provision for a civil government for Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. PLATT of New York introduced a bill (S. 3420) for the relief of William Plimley, late general superintendent of the money-order division of the post-office at New York; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3421) to grant lands to the State of Alabama for the purposes of education of colored students at Montgomery, Ala.; which was read twice by its title, and referred to the Committee on Public Lands.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. DAVIS submitted an amendment authorizing the appointment of a third secretary of embassy to Mexico, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate \$220,020.44 to enable the Secretary of the Interior, on approval of agreements by him to pay settlers for lands and improvements, to pay Indians residing east of Tongue River, Montana, for improvements, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PLATT of Connecticut submitted an amendment proposing to increase the salary of the Librarian of Congress from \$5,000 to \$6,000, intended to be proposed by him to the legislative, etc., appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

## CHOCTAW, OKLAHOMA AND GULF RAILROAD.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2354) enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

Mr. PLATT of Connecticut. I presume there is no need of reading the amendment. I move that the Senate disagree to the amendment of the House of Representatives and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. THURSTON, Mr. PLATT of Connecticut, and Mr. JONES of Arkansas were appointed.

## REPORT OF INDUSTRIAL COMMISSION.

Mr. KYLE submitted the following resolution; which was referred to the Committee on Printing:

*Resolved,* That there be printed 100,000 copies of the Industrial Commission's report, 70,000 for the use of the House, 25,000 for the use of the Senate, and 5,000 for the use of the Industrial Commission.



## THE FINANCIAL BILL.

Mr. CLAY and Mr. ALDRICH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. ALDRICH. I ask the Senator from Georgia to give way until I try to have the conference report adopted.

The PRESIDENT pro tempore. Does the Senator from Georgia rise to morning business?

Mr. CLAY. I rose for the purpose of addressing the Senate in pursuance of the notice which I gave on a former occasion. I ask that Senate joint resolution No. 53 be read for information.

The PRESIDENT pro tempore. The Chair lays the joint resolution before the Senate.

Mr. HOAR. Mr. President, unanimous consent was given yesterday that the Quay election case should be proceeded with at this time, and I was prepared to take the floor, but I do not, of course, wish to stand in the way of the Senator from Georgia. I yield for that purpose.

Mr. ALDRICH. I gave notice yesterday that I should ask the Senate this morning to proceed to the consideration of the conference report on the financial bill. The Senator from Massachusetts stated then that he would not stand in the way of that business. I suggest it is important that this report should be disposed of. I do not know whether there is any Senator who wishes now to take the floor and debate it or not. I shall not press it at this time if we can have an understanding as to when it can be disposed of. If we can reach a conclusion that it shall be disposed of to-morrow, or this week—

Mr. TELLER. Say some time next week.

Mr. ALDRICH. No; I think that it certainly ought to be disposed of this week. Otherwise I shall have to ask the Senate—

Mr. ALLEN. How long has the report been in print?

Mr. ALDRICH. The report has been in print since last Friday or Thursday—about a week.

Mr. ALLEN. I did not see the report until yesterday.

Mr. ALDRICH. That was not the fault of the committee.

Mr. ALLEN. I understand that; but it was due to the pressure of business. We have the Hawaiian bill before us now, and it will be disposed of to-day. As soon as that is done, I should like to take up the report of the conference committee and examine it and see, so far as my own attitude is concerned, what steps, if any, I shall take in opposition to it. The Senator from Arkansas [Mr. JONES] is not here. It occurs to me that the conference report should go over until next week.

Mr. ALDRICH. I will say to the Senator from Nebraska that the Senator from Arkansas understood fully the arrangement which has been made in regard to the disposition of this report. He was quite content that it should be taken up to-day for consideration and disposition. He will be here himself during the day. It was postponed, I will suggest to the Senator from Nebraska, from Tuesday until Thursday to accommodate the Senator from Arkansas who is away. The report was printed on last Friday. It was in the possession, or it should have been in the possession, of every Senator. I certainly do not think that I am using any unusual degree of zeal in asking that the Senate shall dispose of it.

Mr. ALLEN. It is asking a good deal to have Senators take up bills as important as the Hawaiian bill and measures of that character, and at the same time—

Mr. HOAR. The Senator is not heard.

Mr. ALLEN. I am trying to make myself heard. That is my object in being on my feet. I say it is asking a good deal to ask Senators to turn suddenly from matters as important as the Hawaiian measure, and, without an hour to prepare or an hour to investigate, to take up and consider a measure that has taken the whole effort and the whole genius of the Republican party in both branches of Congress six months to prepare.

Mr. ALDRICH. I will say to the Senator from Nebraska that there is no such—

Mr. ALLEN. Now, why not let the conference report go over and be voted on, say, Tuesday or Wednesday of next week?

Mr. ALDRICH. I submit to the Senator from Nebraska that that is too long a time to postpone it.

Mr. ALLEN. What will be gained by disposing of it this week?

Mr. ALDRICH. The report in the form in which it now stands is substantially the bill which was before the Senate for several months and which was fully discussed by the Senator from Nebraska and by his colleagues on the other side of the Chamber. There are no new provisions in the bill.

Mr. ALLEN. The Senator stood here for an hour yesterday explaining the differences between the original House bill and the Senate amendment and the bill as reported by the conference committee.

Mr. ALDRICH. When I say there are no differences I mean that there are no differences in substance in the plan of the bill, in the purpose of the bill, or its effect.

Mr. ALLEN. Why not let each Senator determine that for himself?

Mr. ALDRICH. Certainly; I intend to do so.

The PRESIDENT pro tempore. There is too much confusion in the Chamber.

Mr. ALLEN. So far as I am concerned, to-morrow is set apart for a memorial service in memory of my predecessor. I desire to take part in that, and I must give some attention to it. I can not take up this measure to-day and discuss it, nor to-morrow, nor this week. I submit that if the report can be passed over until Tuesday next, it can be voted on finally before the adjournment on that day. I have no doubt unanimous consent will be given if such a request is made.

Mr. ALDRICH. I do not see how I can consent to its postponement for that length of time.

Mr. CHILTON. Why not agree to vote, say, on Tuesday at 4 o'clock? It seems to me that that course would be more expeditious.

Mr. ALDRICH. If there can be unanimous consent that we shall vote next Tuesday at 4 o'clock upon this report, I will consent to that. It is the understanding that we shall have a session on Saturday.

Mr. ALLEN. If we are to have a session on Saturday—

Mr. ALDRICH. Saturday has already been provided for on the suggestion of the Senator from New Hampshire.

Mr. TELLER. For a particular purpose.

Mr. ALDRICH. After 3 o'clock.

Mr. GALLINGER. The pension appropriation bill.

Mr. ALLISON. That will not take very long, I think.

Mr. ALDRICH. I ask unanimous consent, then—

Mr. BURROWS. There ought not to be a misunderstanding about it. Three o'clock Saturday has been fixed for the consideration of the pension appropriation bill.

Mr. GALLINGER. And the remainder of the day—

Mr. BURROWS. And the remainder of the day for private pension bills.

Mr. ALLEN. That order would not extend until Monday or Tuesday?

Mr. ALDRICH. No. I ask unanimous consent that the vote upon this conference report be taken at 4 o'clock on next Tuesday.

Mr. TELLER. That will give us simply Monday and Tuesday to debate the report.

Mr. ALDRICH. We will have to-morrow up to the time of the memorial service, and any time, I assume, that any Senator wants to take between now and Tuesday at 4 o'clock will be given.

Mr. ALLEN. Put that in the request, then.

Mr. ALDRICH. Certainly.

Mr. ALLEN. As a part of the unanimous consent.

The PRESIDENT pro tempore. Will the Senator from Rhode Island state his request?

Mr. ALDRICH. My request is that the Senate shall agree to vote on the conference report on House bill No. 1 on next Tuesday at 4 o'clock in the afternoon.

The PRESIDENT pro tempore. The Senator from Rhode Island asks—

Mr. ALLEN. Just a moment. With the right of any Senator in the meantime to address the Senate upon the subject of the conference report.

Mr. ALDRICH. Subject, of course, to the unanimous consents which have been given for the disposition of the Hawaiian bill and the pension appropriation bill.

Mr. ALLEN. Certainly.

Mr. CHILTON. I suggest that after 3 o'clock on Tuesday the debate proceed under the ten-minute rule.

Mr. ALDRICH. I think there will be no trouble about all Senators who desire to be heard having an opportunity.

Mr. CHILTON. All right.

The PRESIDENT pro tempore. The Senator will state exactly what his request is.

Mr. ALDRICH. It is that the vote upon the conference report be taken upon Tuesday next at 4 o'clock in the afternoon, and that in the meantime, subject to unanimous consents as to the disposition of certain bills, speeches upon the report shall be in order.

Mr. TELLER. Before that is submitted, I want to know if it will be in order to speak on this bill to-morrow morning in the morning hour.

Mr. ALDRICH. Certainly; I so understand it.

Mr. TELLER. So that we can have to-morrow until the memorial service and Saturday until 3 o'clock if anybody wants to speak on this report. Then we may get through by Tuesday at 4 o'clock without any trouble.

Mr. PENROSE. Mr. President, although the resolution of the Senator from Nebraska who is not here [Mr. THURSTON] reads that the Senate shall proceed to the memorial service immediately after the routine morning business to-morrow, I will state for the information of the Senate that I am informed by him that he will not press his motion until the Senate is able to transact such business as may be pressing upon us. He so informed me yesterday.

The PRESIDENT pro tempore. The Senator from Rhode Island asks unanimous consent that the vote on the conference report be taken at 4 o'clock Tuesday afternoon, and that in the meantime,

subject to the unanimous consents which have already been recorded, the subject shall be open to consideration.

Mr. ALDRICH. And discussion.

The PRESIDENT pro tempore. And discussion. Is there objection? The Chair hears none, and it is so ordered.

The Chair understands that by unanimous consent yesterday the Senator from Massachusetts [Mr. HOAR] was to address the Senate this morning on the election case.

Mr. HOAR. That was the unanimous agreement, but I am not disposed, of course, to interfere with the Senator from Georgia or with the conference report.

Mr. ALDRICH. So far as the conference report is concerned, I know of no Senator who desires to speak on it to-day.

Mr. HOAR. The Senator said the arrangement was that any Senator who chose to speak could do so.

Mr. ALDRICH. Certainly; but I know of no Senator who wishes to speak to-day.

Mr. TELLER. The Senator from Georgia [Mr. CLAY] has given notice that he will speak to-day.

Mr. CULLOM. I simply desire to say that the Hawaiian bill is to be disposed of at 4 o'clock to-day by a vote on the bill and amendments. The Senator from Georgia [Mr. CLAY] desires to speak, and I hope he will proceed as early as he can, so that we can take up the Hawaiian bill for discussion.

Mr. CLAY. I desire to inform the Senator from Illinois that I never spoke for four hours in my life.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. H. L. OVERSTREET, one of its clerks, announced that the House had passed the bill (S. 2477) for the construction of a bridge across the Mississippi River at Dubuque, Iowa.

The message also announced that the House had passed a bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; in which it requested the concurrence of the Senate.

#### GOVERNMENT OF PUERTO RICO.

Mr. FORAKER. I ask the Chair to lay before the Senate the bill from the House of Representatives to provide revenues for the relief of the island of Puerto Rico, so that it may be referred to the Committee on Pacific Islands and Puerto Rico, in order that it may be taken up at a meeting that is contemplated by that committee.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes; which was read twice by its title, and referred to the Committee on Pacific Islands and Puerto Rico.

#### POLICY RELATIVE TO THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution (S. R. 53) defining the policy of the United States relative to the Philippine Islands.

Mr. CLAY. I ask that the joint resolution be read.

The Secretary read the joint resolution introduced by Mr. BEVERIDGE January 4, 1900, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Philippine Islands are territory belonging to the United States; that it is the intention of the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.*

[Mr. CLAY addressed the Senate. See Appendix.]

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 28th ultimo approved and signed the act (S. 160) to authorize the construction of a bridge across the Red River of the North, at Drayton, N. Dak.

#### SENATOR FROM PENNSYLVANIA.

Mr. PENROSE. The Senate yesterday gave unanimous consent for the consideration of the Pennsylvania case this morning; but as it is obviously impracticable to call it up in the short time which will elapse between now and the hour fixed by unanimous consent for a vote on the Hawaiian bill, I will not call up the Pennsylvania case until to-morrow.

#### COMMERCIAL RELATIONS OF THE UNITED STATES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying paper, referred to the Committee on Printing:

*To the Senate and House of Representatives:*

I transmit herewith a communication from the Secretary of State, accompanying the Commercial Relations of the United States for the year 1899, being the annual and other reports of a comprehensive character from the consular officers, together with similar reports from some of the diplomatic officers, setting forth the industries and commerce of foreign countries, with particular reference to the introduction or increased sale of American products. It is gratifying to be able to state that these reports show a marked increase in the practical utility to our exporters and manufacturers of the

services of our official representatives, both diplomatic and consular, in promoting trade, and present a mass of evidence as to the steady growth in popularity in foreign markets of our manufactured goods, as well as of our food supplies, our raw materials, and the products of our mines. In view of these facts I approve the recommendation of the Secretary of State, that Congress authorize the printing of the usual edition of 10,000 copies of the general summary entitled "Review of the World's Commerce," and of 5,000 copies of Commercial Relations (including this summary), to enable the Department of State to meet the demand for such information.

WILLIAM MCKINLEY.

EXECUTIVE MANSION.

Washington, March 1, 1900.

#### GOVERNMENT OF PUERTO RICO.

Mr. FORAKER. I report favorably from the Committee on Pacific Islands and Puerto Rico the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes, with an amendment as follows: First, to strike out all after the title and preceding the enacting clause, being the whereas; and second, to strike out all after the enacting clause and insert a substitute.

Mr. PLATT of Connecticut. What does the Senator insert—the Senate bill?

Mr. FORAKER. The Senate bill, with a reduction of the rate of duty to 15 per cent.

The PRESIDENT pro tempore. The Senator from Ohio reports favorably with an amendment, from the Committee on Pacific Islands and Puerto Rico, a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.

Mr. ALLEN. I rise, Mr. President, to a parliamentary inquiry. The PRESIDENT pro tempore. The Senator from Nebraska will state his parliamentary inquiry.

Mr. ALLEN. I inquire if that bill has been referred to a committee of the Senate?

Mr. FORAKER. Yes, sir; it was referred to a committee.

Mr. ALLEN. Has the committee met and considered it?

Mr. FORAKER. The committee has had this subject under consideration for many weeks; for several months, in fact. The members of the committee have all been consulted in regard to this matter except one, whom we could not find, and they have authorized me to make the report.

Mr. ALLEN. But the bill has not been in the Senate over half an hour, I think.

Mr. FORAKER. The bill has been in the Senate perhaps two hours; I do not know just how long; but it came over early in the session this morning.

Mr. ALLEN. I wish to say that I want to enter my protest against the reporting of a bill without the committee being brought together to consider it.

Mr. FORAKER. The committee have been together in this way: We did not go to the committee room, there to consider it and debate about it, but we have debated about it here on the floor of the Senate and in the cloakroom.

Mr. ALLEN. But it is a violation of the rules of the Senate to consider a bill in that way. The committee should be called together to act upon it.

Mr. FORAKER. I was not aware that any rule of the Senate required that. I understand that that is, of course, the ordinary usage; but I do not know of any reason why a committee can not consider a bill, or can not direct the chairman to report a bill they have had under consideration, as we have had this whole subject for a month.

Mr. ALLEN. They could meet on a street corner to consider it if they wanted to, I suppose.

Mr. FORAKER. That would be almost as comfortable as it is in the room provided for our committee.

Mr. ALLEN. I think this bill ought to go regularly to a committee, and the committee ought to be called together to consider it. It is altogether too important a measure to be brought here in this way.

Mr. FORAKER. In answer to the remark of the Senator from Nebraska, I will say he is mistaken if he thinks this bill has not been carefully considered. There is not a line or a word in the amendment proposed which has not had the most careful consideration.

Mr. ALLEN. I simply content myself, Mr. President, with entering upon the record these facts: That this bill has not been in the Senate over an hour; that the committee have not been called together and have not considered it, and here is a favorable report by the Senator from Ohio.

The PRESIDENT pro tempore. The bill will go to the Calendar.

Mr. COCKRELL. One moment, Mr. President. I wish to state that I am a member of the committee which reported the bill. The House bill came over here, and, with others, I joined in authorizing the chairman of the committee to report it, striking out all after the enacting clause in the House bill, and substituting therefor the Senate bill, which was reported several weeks ago, and which the committee had considered for two or three weeks



or more. We simply struck out the entire House bill and agreed to report what we have already heretofore considered and reported. As a matter of course, the report is not unanimous, as the chairman understands. Some of us in the minority object to certain provisions in the bill; but we agreed that the original bill should be reported, and we have agreed again for it to be reported as a substitute for the House bill.

Mr. FORAKER. Yes.

The PRESIDENT pro tempore. The bill has gone to the Calendar.

#### TERRITORY OF HAWAII.

Mr. CULLOM. I ask the Senate to resume the consideration of the Hawaiian bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CLARK of Wyoming. I understand an amendment is pending offered by the Senator from Colorado [Mr. TELLER].

The PRESIDING OFFICER (Mr. HANSBROUGH in the chair). The pending amendment is the one offered by the Senator from Colorado.

Mr. CULLOM. I think the Senator from Alabama [Mr. MORGAN] has the floor if he desires to occupy it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to strike out all of section 88 down to and including the word "court" in line 5, on page 44, and to insert in lieu thereof the following:

That there shall be established in said Territory a district court, to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district; and said judge, attorney, and marshal shall hold office for four years, unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit, in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law.

Mr. MORGAN. Has the amendment which has just been read been printed?

Mr. TELLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. Certainly.

Mr. TELLER. I think the extension of the laws over Hawaii will extend the jury law; but as some Senators have doubt about it, I desire to add at the close of my amendment:

And the laws of the United States relating to juries and jury trials shall be applicable to said district court.

That is the court we are discussing.

Mr. CULLOM. With the United States judge.

Mr. TELLER. The United States judge.

Mr. PLATT of Connecticut. It is called a district court.

Mr. TELLER. It is called a district court.

The PRESIDING OFFICER. The modification proposed by the Senator from Colorado will be stated.

The SECRETARY. It is proposed to modify the amendment by adding at the end thereof the following:

And the laws of the United States relating to juries and jury trials shall be applicable to said district court.

The PRESIDING OFFICER. The amendment will be modified as indicated by the Senator from Colorado.

Mr. MORGAN. I do not find a printed copy of the amendment of the Senator from Colorado. I should like to see it before I proceed with my remarks.

Mr. CULLOM. It has been printed, I think.

Mr. MORGAN. Mr. President, in the effort here to cut down the term of office—for that is the only question that is in the matter, I believe—possibly the salary of the judge who is to execute the laws of the United States in Hawaii, I think the Senator from Colorado has dug a pit on the constitutional question and has fallen into it. I understand that it is the purpose of the amendment of the Senator from Colorado to give this district court in the island of Hawaii all the powers of the circuit court and of the district court of the United States. That would include all civil and all criminal jurisdiction of every kind.

The bill does not provide, however, that the judge of this district court shall have the powers and privileges that belong to the judges of the district courts of the United States. They are not properly jurisdictional, conferred upon the court as a court, but they are conferred upon the judge who oftentimes exercises them at chambers, in vacation, and at various places.

The part which relates to the powers of the district judge is not embraced in this act; it is only the court. A judge construing this statute would be obliged to say, "I do not find any authority here to exercise any of the powers that are conferred by the statutes of the United States upon a judge sitting in chambers or a judge who grants interlocutory orders of any kind; I find none of

those powers." Obviously they can not be conferred upon this judge when he occupies a position that has been denominated here as a judge over a legislative court. For instance, that judge could not sit in the district court of California. If by any chance at all any district court of California, Oregon, or elsewhere should not have a presiding officer and it was necessary under the rules of law, which are so plain about it, to have a judge assigned to the district to hold the court, this judge could not do it. He is not a judge of a district court of the United States so far as the amendment of the Senator is concerned. He is the legislative judge of a court created for the Territory and holding functions not under the Constitution of the United States strictly, but holding such functions as the Congress of the United States has bestowed upon him. So he could not go and occupy a seat on the bench of California like a district judge of the United States in Oregon could do.

More than that, it is a legislative court, as constituted by this act of Congress, in which a circuit judge or a district judge of the United States could not preside. If that judge in Hawaii was dead, or if his office was vacated in any way, a circuit judge or a district judge of the United States could not preside in that court. In other words, you can not make the functions and powers of the two courts identical unless you make this a Federal court, deriving its authority from the Constitution of the United States, as the district and circuit judges derive them.

I do not deny that this judge or this court may be empowered by this act of Congress to exercise the functions and jurisdiction that belong to the circuit and district courts of the United States. I do not deny that, but I do deny that when he does that it is in any sense a court with the plenary, full powers of a Federal court organized under the Constitution of the United States, and I have just pointed out some reasons which obviously show that that result can not take place.

Now, Mr. President, to my mind it is very doubtful whether the Congress of the United States can confer upon a judge of a district court in Hawaii created by an act of Congress, which is not a district court of the United States, all of the powers that belong under the Constitution to a district court or a circuit court of the United States. I am quite sure that that could not be done if the tenure of office is changed.

Whenever this judge is appointed under this act, of course he is removable at the will of the President. The other judges hold their offices during good behavior and are liable only to impeachment, and by impeachment to be removed from office. It is the only legal way of taking a judge from his office. So the want of legal identity is very plain between the court that is sought to be created by this amendment and the courts created by the statutes of the United States as inferior tribunals under the Constitution of the country.

I believe that whenever the question is made, it will be held that this court, created by this statute as a legislative court, has not and can not exercise all of the necessary powers of a district or circuit court of the United States unless there is conferred upon that court by a special statute a sweeping provision that it shall have the jurisdiction of a circuit court out and out.

I have pointed out that conferring jurisdiction upon the court does not confer the powers upon the judge which the statutes of the United States confer upon a judge of a district court or a circuit court. So we are creating there an abnormal tribunal for the purpose only of gratifying a particular idea, which is that the terms of office of the judges of the district courts and circuit courts of the United States are too long. They are for life.

Mr. BACON. The Senator has the statute before him. Will he kindly read the clause which relates to the jurisdiction conferred upon the circuit or district judge, so as to see whether the discretion is so broad? I only ask him in case he should have the statute before him.

Mr. MORGAN. I have it not before me.

Mr. BACON. I saw the book open and I thought the Senator had it. I saw that the Senator had the Statutes at Large before him and I thought he had that statute. I withdraw the request.

Mr. MORGAN. I was referring in the course of my remarks to the amendment proposed by the Senator from Colorado.

Mr. BACON. I understood that, but the Senator said that that amendment fell short from the fact that it did not confer certain powers upon the judge relating to certain acts in chambers. I simply desired, if he had the statute as to United States judges, that that be read in order that we might see how far it did fall short in that particular.

Mr. MORGAN. I think the Senator must be aware that there are quite a number of powers in the statutes of the United States that the judges of the circuit and district courts may exercise; that they have authority to make interlocutory orders and the like of that. In combining the power of a local court, as was done in the cases of the other Territories, and the power of a Federal court, we create a new tribunal that is scarcely akin to a circuit or district court of the United States, although it may have the same general jurisdiction, for the judges of these different

courts can not exercise the functions that are committed to the judges of the district courts and the circuit courts of the United States. I do not know that as an original principle of government I would be in favor of a judicial establishment, even a Federal establishment, that would hold office by a life tenure. There are some very strong objections to that. At the same time, the whole Federal judicial system of the United States proper is based upon that idea, and associated with that is the power of appointment and the power of removal, except in those cases where the Constitution restrains the power of removal and substitutes for it the power of impeachment.

There is not an election held under the laws of the United States anywhere of an officer of the United States proper. We can enable men in the Territorial government to elect their officers, but it does not follow from that that they are officers of the Government of the United States by any means. It would be a queer idea if we should undertake to impeach a man by a proceeding in the House of Representatives and a trial in the Senate whom the President of the United States has the power to remove. There is not, I repeat, any feature of the elective system under the Constitution of the United States in respect of supplying the Federal Government with Federal officers. The officers of this body or of the other House are not Federal officers. They are State officers accredited to the Federal Government under the provisions of the Constitution of the United States.

When the Government of the United States set up that system of appointments to office and fixed the tenure of the judges of the Supreme Court, the circuit courts, the courts of appeal, and all inferior jurisdictions that might be created under that provision of the Constitution during good behavior, there was a great reason for it, and that reason exists as strongly to-day as it has ever been. There is no movement in this country for the purpose of having the judges of the Supreme Court or of the district or circuit courts elected by the people or of having their life tenure abbreviated. There is no movement to change the Constitution in that particular, and I think a movement of that kind would find very little support amongst the people of the United States.

But the objection to the eighty-eighth section of this bill is based upon the ground that these men ought not to have a life tenure. Now, that ground is just as available and just as important against a man who holds a district judgeship in Alabama as it is in the Territory, for he belongs to the same jurisdiction and executes the same powers of the Federal Government. If Hawaii should ever be admitted as a State into the Union, we see that all Territorial legislative offices that are created, called district judges or whatever name you please to give to them, must fall. They will go by the board whenever the State is admitted into the Union, for the reason that the Constitution itself, operating of its own vigor, carries the Federal system in full force into the State when it is admitted into the Union, and the office that was created legislatively and for the purpose of serving a Territory necessarily falls on the admission of the State into the Union.

I think it has been a great misfortune that we have undertaken heretofore to resort to these expedients in filling up the judicial appointments in the different Territories of this country. As I observed on yesterday, it has a direct effect upon the independence of the judiciary. A judge who is elected by the people in a State or in a Territory feels his responsibility directly to those people, and it is a very doubtful question in the States that have adopted the system of electing their judiciary, and for short terms, whether it is a valuable system or not. Men are found of sufficient character, of sufficient honesty and integrity, to overcome the temptations of such a position. I will admit that.

In my State, which has chancellors and judges of the supreme court elected by the people, I think that the system has worked very well. But we have been very happy in finding a number of men upon the bench who are above the temptation to yield to popular influence or popular power. At the same time there was a judge of the supreme court of Alabama who was nominated and elected because he was a silver man. Of course, I was for him, Mr. President, but I was not for him because he was a silver man. I was for him because he was a very excellent man, a very great man. Nevertheless, the influence pervades political parties, and they will seize upon any opportunity whatever to convert judges on the bench into the agents of political parties and measure their title to office by their fidelity to a political party. The President of the United States never fails to do that. Whether the President is a Democrat or a Republican, the judges in the Territories are always appointed with reference to their politics. Of course, there is an effort made to get the best man who can be found in a certain party, but very few ever think of going to the opposing party to get a better man than you can find in your own party.

That was my objection, Mr. President, to a good deal of what we are doing here on this subject of appointing judges. I did not want the judge of the supreme court of the Territory to be put into the hands of the President of the United States, because I knew that that office and all the other offices that were to be filled by the President and subject to his removal would at once become

political offices. No man would think of going down to the Executive Mansion here to apply for a position in Hawaii after this act is passed unless he was a well-established Republican. A Democrat has no chance. The bill as we have got it now legislates out of office in Hawaii every Democrat who has got an aspiration to any such place, and I believe that that is one of the leading purposes of this change. I believe that Senators on this floor are determined that a political complexion shall be given to the judicial establishments in Hawaii as well as other establishments. The object is to get the control of the patronage, to use it for purposes of power. Well, I oppose that.

I am willing enough to have it in all the Executive Departments, because we have got to submit to it. We can not make the world exactly right and exactly clean in one half hour. I am willing, or at least I consent to it, as to the Executive Departments; but when you come to the judicial establishment, Mr. President, I say it is a very dangerous practice to put the disposal of the lives and the property and the liberty of any set of people in this world into the hands of a man because he happens to be a Republican or happens to be a Democrat, when there is another man in an opposing party better qualified and whom the people have a more earnest wish that he should keep the office.

Mr. PLATT of Connecticut. Will the Senator from Alabama yield to me?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. MORGAN. Certainly.

Mr. PLATT of Connecticut. I should like to suggest an amendment to the amendment, which I think is unnecessary, but which I think would meet the criticism which the Senator is making. It is in line 12 of the amendment, after the words "circuit court," to insert a comma instead of a period and the words:

And said judge shall have and exercise all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States.

I do not think it is necessary, but it can do no harm.

Mr. TELLER. I will accept that modification.

Mr. MORGAN. Now, that brings the constitutional question squarely up. Please read it again.

Mr. PLATT of Connecticut. The Secretary has it.

The SECRETARY. After the words "circuit court," in line 12 of the amendment, add the following:

And said judge shall have and exercise all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States.

Mr. MORGAN. That amendment, Mr. President, plainly violates the Constitution of the United States. The Senators have admitted that it is necessary to the completion of their amendment here, because unless that amendment is adopted, you are running the court on one wheel. You are exercising the judicial functions that a man as a judge may perform there on the bench and you take away from him those functions that he may perform in chambers. The amendment is all right except that it is unconstitutional, and it makes the whole provision unconstitutional for this reason—

Mr. PLATT of Connecticut. Mr. President—

Mr. MORGAN. If you will allow me a second—it makes it unconstitutional for this reason, that in our effort to confer upon this court and this judge all the powers of the district court and a district judge of the United States, a circuit court and a circuit judge of the United States, we are attempting to confer upon him the power to sit in a court in California. You can not do it, because no man can sit in a district court or a circuit court of the United States, the Federal court in California, unless he is qualified for that place and appointed under the Constitution of the United States, and there is no pretense that this is under the Constitution of the United States. I yield to the Senator from Connecticut.

Mr. PLATT of Connecticut. I do not think the amendment is necessary, but I thought it would meet the criticism which the Senator from Alabama was making, and therefore I was quite willing to offer it. I think it is true that the Territorial judges, as they are called, the judges of Territorial courts, when United States jurisdiction has been conferred upon those courts, have, without any special authority, exercised the powers and functions of judges of the district court. Senators who have lived in Territories know better than I, but I think that is true.

Mr. MORGAN. Well, Mr. President, if this amendment before it was amended, or even this amendment since it was amended, includes the powers of a judge of a district or circuit court of the United States within its purview it is evidently unconstitutional, for it undertakes to confer upon a legislative judge those powers which belong under the Constitution, and can only belong under the Constitution, to a judge appointed by the President of the United States in virtue of the Constitution as a Federal judge. Now, here is an appellate court in the District of Columbia—

Mr. CLARK of Wyoming. Will the Senator yield to me?



The PRESIDENT pro tempore. Will the Senator from Alabama yield to the Senator from Wyoming?

Mr. MORGAN. I should like very much indeed to be permitted to state my case before I am interrupted.

Mr. CLARK of Wyoming. I beg the Senator's pardon.

Mr. MORGAN. Here is a judge of the supreme court of the District of Columbia and judges of the appellate court of the District of Columbia. Who would be more surprised than the Senator from Colorado if one of these judges should go over to Baltimore and sit on the bench in an appellate court or a circuit court or a district court of the United States? Nobody; and yet his tenure is for life. He has got all the powers of a circuit judge and a circuit court; but he is not a Federal officer, or at least the contention is that he is not a Federal officer, that he does not belong to the Federal judiciary. He is an outsider; he is a legislative construction, and not a constitutional fabric. That is the difference between the two people.

Now, who would be more astonished than the Senator from Colorado if one of the judges of the supreme court—Judge Cole or anyone else on that bench—should be invited to go to Baltimore to sit on the Federal bench there in the Federal court in the State of Maryland? And yet Judge Cole has got all the powers of a district judge of the United States; every one, both those that are exercised while he is on the bench as the judge of a court and those that are exercised while he is off the bench as a district judge of the United States; and he has a life tenure, too. At the same time, Mr. President—

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Alabama yield to the Senator from Colorado?

Mr. MORGAN. Certainly.

Mr. TELLER. Does the Senator mean to say that I want this judge to sit in a California court?

Mr. MORGAN. No; I do not suppose you would want him to do it.

Mr. TELLER. That is the very purpose I have, that he shall not attempt it. I know he has not any right to do it. I know you can not give any right to one man in that Territory, under the conditions we propose, to go to California and sit. I do not want him to go there.

Mr. MORGAN. Then the language is too broad, for the language carries him there.

Mr. TELLER. No; in my judgment it does not carry him there.

Mr. MORGAN. Well, that is a difference of opinion between the Senator and myself that I hope can be reconciled without any personal difficulty at least.

Mr. TELLER. I do not want the Senator to assume that I am endeavoring to do such an absurd thing.

Mr. MORGAN. No; the Senator has an amendment here—

Mr. TELLER. I am willing to give this man just the jurisdiction that we have given to judges, a hundred of them, and they have exercised it for a hundred years. I will show when the Senator gets through that that is true.

Mr. MORGAN. If you will give me a chance to get through, then you can go ahead; there is no trouble about that. The absurdity of which the Senator speaks is not in his mind at all, but it is in his amendment. You have got it all in the amendment, every bit of it, for the amendment as it stands now attempts to confer upon this district judge in Hawaii all of the powers, rights, and privileges of a district judge of the United States. Well, it is one of the powers of the district judge of the United States that he can sit in a court of appeals, if you please. He can sit in the circuit court, if you please, when the occasion arises; or he can go and occupy the bench when there is a vacancy, or when there is a necessity for it under the laws of the United States. A district judge of the United States can do all that. But the Senator, while conferring upon a district judge of the Territory all the powers of a district judge of the United States, says: "I do not mean that he should do that thing; I am against his doing that thing." Then, if you are against it, you must qualify it by saying: "All the powers are conferred upon the judge of the district court, except that he shall not sit on a circuit bench or an appellate bench or another district bench in any State of this Union."

Mr. CLARK of Wyoming. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Wyoming?

Mr. MORGAN. Yes, sir.

Mr. CLARK of Wyoming. I hope the Senator will not consider me discourteous, because I am very much interested in this discussion; but I should like to ask him what he considers the powers of the Territorial judges as they have been heretofore appointed by the President of the United States in the various Territories in relation to this very question that he is discussing.

Mr. MORGAN. I do not think that any Territorial judge who now holds a commission has any right to go and hold a district court in any State.

Mr. CLARK of Wyoming. But is not the Senator aware of the fact that upon one side of the court those Territorial judges can deal with all the Federal questions that may arise within their jurisdiction? That is, when I say jurisdiction, I mean within their Territorial jurisdiction.

Mr. MORGAN. I am perfectly aware of that fact; and that provision in the Territorial laws is an extremely dangerous one. It is very irregular and quite unnecessary. Here is a Territorial legislature, if you please, enacting laws. I am going to make an illustration. They enact laws which permit contract labor, or what amounts to contract labor, to come in there from Japan under certain circumstances. The judge on the bench, as a judge of the Territory of Hawaii, for instance, says, "Well, this law appears to me to be constitutional; it is within the purview of the powers of the Hawaiian government; it is sustained by public opinion here; my friends are interested in the enactment of this law, and I will sustain it." He turns to the next docket, the criminal docket of his court, and he will find one of these men indicted as violating the laws of the United States for making a contract and bringing that man in. He determines, for we place the duty upon him of determining, whether he will sustain the Territorial law or whether he will sustain the other law.

Now, Mr. President, that is too great a temptation to put before any judge, and there is no necessity for it. To divide up a court into two separate jurisdictions, one of them Federal exclusively and the other local exclusively, is to divide the house against itself and to make the decisions of such a tribunal as that extremely unworthy of confidence. We have resorted to that system heretofore, and Senators who have practiced under that system at the bar and elsewhere, I have no doubt, found it convenient, but I think it would be a very sore place in a country that is as far from our coast as is Hawaii if we had down there a judge who had full Federal jurisdiction and exercised it on the same bench where he exercised full Territorial jurisdiction.

I do not know of any man in my acquaintance who I think is great enough to do that anyhow; I do not know of any man in my acquaintance who could sit on the supreme court bench of Alabama and do his duty on that bench, for instance, and at the same time hold a district court of the United States, if that were permissible, or a circuit court, and perform the duties of a circuit and district court of the United States. To take a man and give him a four-years' term, to appoint him under political influences, with a tenure of office dependent entirely upon the will of the President, so that he trembles upon his seat at every decision he makes; then to give to that man plenary jurisdiction in all local matters, all matters arising under the laws of the Territory; and then to turn around and give to him plenary jurisdiction in all local matters that arise under the laws of the United States, and make him as broad and as powerful in the exercise of jurisdiction as a judge of the circuit court and a judge of the Federal court, is a solecism, an absurdity; and no matter how well these gentlemen in the West, who have been practicing before those courts, found it to work there, we ought not to be invited to accept any such situation now.

This is the first time an opportunity has been distinctly presented and the necessity has become urgent for having a distinct and separate Federal power of judiciary and judicial administration in a Territory of the United States. Nobody pretends to deny that it will be necessary to have it. It will be necessary, if this court should be created under the eighty-eighth section of this bill, to have one of the very ablest judges we can secure to take a seat on the district or circuit bench to go down there and occupy that seat, and he will have his hands full. He would have the marine contracts, maritime jurisdiction, admiralty, and what not. The whole great breadth of that vast jurisdiction will go into his hands and he will need to be a very able and a very learned man if he performs his whole duty to the Government of the United States in that new situation.

To take that vast sweep of jurisdiction, all of it, and confer it upon a judge who holds a political office for four years, liable to removal by the power that put him in, or by the man who is elected next time because he does not suit his politics, and to burden that man with his little four-years' tenure with this vast jurisdiction, and then full jurisdiction, plenary jurisdiction in regard to all local matters, it is not within reasonable expectation that you will find a man who is able to discharge the duties of the office with this vast incumbrance of jurisdiction piled upon him.

It has been intimated here that this was the wish of the people of Hawaii. The intelligent men, the merchants, particularly the men connected with foreign commerce, the shipowners, and all of that class are interested in having a tribunal of that sort there. The great body of the people of Hawaii do not ask for it at all, but they need it, and they ought to have it.

The judicial power of the United States ought to be just as prominent and just as certainly present in all of its majesty in the islands of Hawaii as the Executive power or the Congressional power. We send two of our departments there, clothed with all



the powers that the Constitution confers upon them, the executive and the legislative. But when we come to the judicial department we give it no show; we do not allow it to exercise its proper constitutional functions and legitimate influence upon that country.

The difficulty which has attended this subject for many, many years is fully illustrated in the difference which these statutes show, where Congress has conferred one jurisdiction upon the Territorial courts in a certain Territory, and turned around in the same or next the section, conferring a different jurisdiction upon a court of the same sort in a different Territory. There are a great number of instances—I do not care to stop to enumerate them—but the instances that are cited in the Revised Statutes are enough to show anybody who will look the subject over that it is impossible to get any real system out of it.

All of these appointments have been made heretofore for the purpose of suiting the legislation of Congress to the peculiarities of the situation in the particular Territory. So one has one law and another has another law upon this subject. That has been because Congress has departed from the rule that ought to have been established in the outset, of establishing district courts in the Territories. Because it has not done so heretofore, but has conferred a cheap jurisdiction and a short jurisdiction as to the term of office upon the local courts, we are in the trouble we now find ourselves. The Hawaiian Commission sought advice, information, and instruction from the laws of the United States and looked through all the different Territorial acts and examined the laws relating to those courts carefully, to see if there was any one we could adopt. I want to call attention to one particular case, found in section 1912 of the Revised Statutes, which reads:

The supreme and district courts of each Territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia.

There was general legislation conferring upon all of these courts of the different Territories—that is, of every Territory of the United States—the power to grant writs of habeas corpus on the same terms that the district courts of the United States for the District of Columbia might grant them, with an exception as to Idaho and Montana.

How are we to contend that there has been any regularity of legislation or any system adopted by the Congress of the United States in regard to the Territories, when we find in regard to this matter of granting writs of habeas corpus two of the Territories are not permitted to grant writs of habeas corpus in the same manner as they are granted by judges of the district courts of the United States?

Our legislation on this subject has been entirely fragmentary and irregular, and I believe that in this bill there is the first effort which has ever yet been made to give to the judicial department of a Territory and of the United States—both of them—their full and just authority.

I do not see any reason, Mr. President, and certainly there is no objection to be found in the Constitution of the United States, why we should not take this course; and if there is no reason, if there is no objection, I think I have sufficiently shown, and the report of the committee has sufficiently shown, that the necessity for this court in the islands is supreme, urgent, and we ought to adopt it. Of course I have the greatest possible respect for the opinion of the Senator from Colorado [Mr. TELLER] and all the other Senators who have opposed this view of the subject, and who have argued so laboriously here against its constitutionality; but I submit that I have not yet seen that any argument has been produced which shows that the Congress of the United States has not got the power to locate a district court of the United States in a Territory.

Mr. TELLER. Mr. President—

Mr. MORGAN. There is another point about this which I desire to state, and then I will yield in one second, if the Senator will allow me to go on.

Mr. TELLER. Certainly.

Mr. MORGAN. I want to call attention to this matter for a moment.

There is a provision of this act by which the jurisdiction of the district court of the United States in a Territory may be extended over a county in Texas. That is a strange provision. I will admit that it is given in this statute. Congress seemed to have concluded that it had jurisdiction and control of matters, both in the State and outside, in respect to the organization of the Territorial courts, and they have conferred upon them more power than has ever been conferred upon any other class of courts. That is my objection to the whole system. I want the power divided. I want the Government of the United States to have its judicial system in the Territories; as well as the local government, and not take the judicial powers from the Government of the United States and confer them, along with local jurisdiction, upon these courts.

I think I am right about it; but Congress has heretofore legis-

lated in a most irregular manner, and sometimes in the most unaccountable manner, upon this subject of Territories. There is an excuse for it; and that is that every Territorial government that came in here had its representatives, and they had peculiarities which had to be overcome or provided for in some way. So, there are a great variety of judicial establishments, a great variety in organization and in jurisdiction and in powers conferred upon the judges in vacation. Some of these courts had the power to assign district judges to certain circuits, and all of that, in the different Territories. It was the building-up process, where we in Congress took things as we found them and attempted to do for them the best we could on the occasion, all the time having in view the proposition that we were establishing in these different Territories, according to the mandate of the Constitution, as I have frequently said in this debate, a republican form of government. That is the limit of our duties, that is the mandate that is upon us, and that is what I am trying to do.

Mr. TELLER. Mr. President, the provision in this bill for this court is unlike any other provision in any of the statutes of the United States. In all other cases we have conferred upon the legislative court, as it is called in the Territories, the power of a State court, and we have conferred also the power of a Federal court, and those courts have exercised those powers without any controversy whatever. The United States courts, as has been stated repeatedly, have exercised those powers of the State courts as to controversies between citizens, but not as to controversies that arise under the Constitution and laws of the United States. They do not have entirely the same power that the Federal court has in this respect, that there is no recognition of a citizen of one State having any rights in the courts of another State. There is no jurisdiction given because a plaintiff lives in one State and the defendant in another State; but these courts are given jurisdiction of all cases arising under the Federal Constitution. Therefore the jurisdiction is infinitely greater than of a circuit or a district court.

I do not believe that the amendment offered by the Senator from Connecticut [Mr. PLATT] commits the absurdity of saying that this judge may sit in a Federal court in California. He will not be invited there, and he can not get there otherwise. I am not going to waste any time on that.

I intend to place the amendment in such form that the Senator can have no objection whatever to it. I am going to modify the amendment of the Senator from Connecticut [Mr. PLATT], which I accepted, after the word "exercise," so that it will read as follows:

And said judge shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges of the district and circuit courts of the United States.

I shall ask to have that inserted.

I desire to say that I have lived and practiced law assiduously in a Territory and did nothing else for fifteen years. I know that these judges in the Territories exercise all the rights of judges under the Constitution and laws of the United States. The Senator from Wyoming [Mr. CLARK] who sits near me has had experience in the same way, and there are other Senators who know this to be so. There is not any trouble about it. I wanted to give to each of these circuit courts that jurisdiction, and then get rid of this court. In deference, however, to the Hawaiian Commissioners, I waived that point; and I said, "If you think you ought to have a court specially charged with the disposition of the cases which arise under the Constitution and laws of the United States, I will yield that;" and so I made this suggestion.

Mr. President, if there is any advantage in having a district court in Hawaii, the people there will get it under this provision. We are denying nothing whatever to those people; and the complaint the Senator makes that we are not treating them fairly is not well founded, it seems to me.

I do not want to have a political court over there any more than does the Senator from Alabama. I have seen the evils of that system. I was inclined to think that we would escape a political court if we followed the judgment of the commission in the first place, and let the governor appoint the judges of the circuit court; but that was voted down by the Senate.

I hope the Senator will accept my amendment and not feel that anybody here is attempting to do anything to interfere with the proper discharge of the business in Hawaii, or to offer anything that is intended to discredit the action of the commission because they may have recommended something else.

I believe, as the Senator from Wisconsin [Mr. SPOONER] said yesterday, that there is no power to establish this court as a national constitutional court. I am not going to discuss that at this late hour. I was prepared to do so yesterday, but there was no time. I shall content myself with saying what I have said, and let the proposition be voted upon. I know very well if this court is established as a Federal court—no, I do not know that, but I am very confident of it—the court will be no court at all; and there is great doubt whether it will be established. In that



event I do not know where the jurisdiction will be, unless we confer it upon the circuit court, which the commission do not want done. It seems to me we have got, then, to accept this court.

Mr. CULLOM. Will the Senator allow me to say a word?

Mr. TELLER. Yes.

Mr. CULLOM. There is a special reason why the commission did not desire it done, and that was because we found, on very careful inquiry, that the courts, as they now exist in Hawaii, have more work than they can perform. The supreme court of the Territory is behind and struggling to catch up with its business; and those interested there feel that unless we have this additional court they will be very much embarrassed by the situation.

Mr. TELLER. I want to say that that was my reason for not insisting on striking it out.

The PRESIDENT pro tempore. The amendment as finally modified by the Senator from Colorado will now be read.

The SECRETARY. On page 43, section 88, it is proposed to strike out all of the section down to and including the word "court," in line 5, on page 44, and to insert in lieu thereof the following:

That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for four years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court, and said judge shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court.

Mr. CULLOM. Before the vote is taken, I want to make a suggestion which I hope will be agreed to. We have all expressed a desire to avoid making this a political court in any sense. I myself know, and so does every other man who has been in Hawaii, that it is very important that we should have the very best judges there we can secure, and the question of the character and ability of the judge will be determined somewhat by the tenure. I should therefore like very much that by consent the word "four" should be stricken out of the amendment where the term is fixed at four years, and make it "six years." I hope my friends will agree to that. I think it is important that the term should be for that length of time.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent—

Mr. CULLOM. I will make the motion, if a motion be in order.

The PRESIDENT pro tempore. The Senator from Illinois moves to amend the amendment offered by the Senator from Colorado [Mr. TELLER] by striking out and inserting what will be stated.

The SECRETARY. In line 7, in the printed amendment, before the word "years," it is proposed to strike out "four" and insert "six."

Mr. TELLER. I will not object to that.

Mr. CULLOM. I think, with that provision, we shall have a court the appointments to which would not be made for political reasons at any time by any President.

Mr. PETTIGREW. I am very much opposed to that amendment. If we have good judges, they can be reappointed; and if we have bad ones, six years is too long a term. The matter is completely in the control of the President of the United States.

Mr. CLARK of Wyoming. The Senator knows the judges can be removed.

Mr. PETTIGREW. No; they are never removed.

Mr. CLARK of Wyoming. But they can be.

Mr. PETTIGREW. I have lived in a Territory a good while.

Mr. CLARK of Wyoming. So have I.

Mr. PETTIGREW. We had men who never saw a law book in their lives who came out to serve as chief justices of the Territory of Dakota; and we could not get them removed. We had a coffin maker once from Maine sent out as a judge. [Laughter.]

Mr. BACON. I understand that the increased term is limited to the district judge and does not apply to the Territorial judges.

Mr. CULLOM. To the United States district judge.

Mr. BACON. I understand.

Mr. CULLOM. I hope the amendment will be adopted.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Illinois [Mr. CULLOM] to the amendment of the Senator from Colorado [Mr. TELLER].

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Colorado [Mr. TELLER] as it has been amended.

The amendment as amended was agreed to.

Mr. CLARK of Wyoming. Mr. President, we have had four hours' discussion on law and constitutional law. I now offer an amendment based on equity and good conscience, an amendment

that ought to be adopted, an amendment that I sincerely hope will be adopted.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment, which will be read.

The SECRETARY. It is proposed to amend section 101 by adding thereto the following:

And the sum of \$250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid Liliuokalani, late Queen of the Hawaiian Islands, for all right, claim, or interest she may have or claim to have in or to the said crown lands herein mentioned, the same to be paid by the Secretary of the Treasury upon the execution of proper deeds of relinquishment by said Liliuokalani: And provided further, That said sum of \$250,000 shall, to that amount, be a charge upon the revenues of said lands, and shall be repaid to the United States from the revenues of said lands in five equal annual payments.

Mr. CLARK of Wyoming. Mr. President, I do not care to discuss this matter. It seems to me that section 101 is one of the most marvelous and stringent and outrageous pieces of legislation that was ever sought to be perpetrated by the American Congress. I can not believe that the men who formulated this bill contemplated what section 101 does. Unless there is a desire on the part of the Senate for information I will make no remarks whatever upon the proposed amendment. If it shall fail I have one upon the desk of the clerks which I will urge instead.

Mr. BACON. Let me ask the Senator from Wyoming a question. What is the value of the Crown lands?

Mr. CLARK of Wyoming. The value of these lands it is difficult to estimate. Some of them are worth a thousand dollars an acre. At the time of the overthrow of the monarchy, I will say to the Senator from Georgia, the annual rental therefrom was \$50,000, or about that, and since that time, by the ending of leases that were then in effect and the renewal of leases upon land by the present republic, it amounts to somewhere between one hundred and one hundred and fifty thousand dollars per annum. Those lands were confiscated absolutely.

Mr. TELLER. By whom?

Mr. CLARK of Wyoming. By the republic of Hawaii, at the overthrow of the monarchy, and were thrown into the general land system of the government.

Mr. TELLER. May I ask the Senator a question? Was it recognized that they were private property before that?

Mr. CLARK of Wyoming. It was recognized that the revenues of the Crown lands all went to the Crown for the expenses of the reigning sovereign.

Mr. TELLER. And he disposed of it as he saw fit?

Mr. CLARK of Wyoming. He disposed of that revenue as he saw fit. It is an amendment which in good conscience and equity ought to pass.

Mr. BATE. What has become of the \$50,000 of rentals per annum?

Mr. CLARK of Wyoming. It has gone into the coffers of the present government of Hawaii and is there now; and this amendment proposes that out of the revenues of those Crown lands the ex-Queen, who by virtue of her right as reigning sovereign before the revolution was entitled to all the revenues from the land, shall be paid \$250,000 in lieu of all claims upon the Crown lands, whatever they may be, now or hereafter.

Mr. BATE. Does she consent to that?

Mr. CLARK of Wyoming. I can not say to the Senator whether she consents or not. If she does not, it will be inoperative.

Mr. BATE. This bill takes the land from her and puts it in the hands of the Hawaiian government?

Mr. CLARK of Wyoming. Section 101 absolutely cuts off by legislative action any claim she might have before the world or in any court.

Mr. BATE. There is no question that she had title to it before?

Mr. CLARK of Wyoming. There is no question on earth that she had title to it before.

Mr. CULLOM. She had no title.

Mr. CLARK of Wyoming. I beg the Senator's pardon; she did have title.

Mr. BATE. I ask that the amendment may again be read.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again read the amendment.

Mr. BATE. Then I understand from this amendment that the money comes out of the proceeds of that land. It is not to be paid out of the Treasury of the United States.

Mr. CLARK of Wyoming. The Treasury of the United States is to be reimbursed from the revenues of the lands which are now under lease.

Mr. BATE. The Senator from Wyoming is a member of the Foreign Relations Committee, I believe?

Mr. CLARK of Wyoming. Yes.

Mr. BATE. I am unfamiliar with this matter, because I am not connected with the committee in any way, and I can only learn these facts as they are presented now in considering the bill. Do I understand the Senator to say that the Crown lands undoubtedly belonged to the Queen?

Mr. CLARK of Wyoming. There is no question on earth about it; that is, under the monarchy.

Mr. BATE. Then the recent government seized those lands?

Mr. CLARK of Wyoming. They took them all.

Mr. BATE. They have also taken the rentals annually of those lands and appropriated them to themselves?

Mr. CLARK of Wyoming. Yes, sir.

Mr. BATE. And this woman has got none of the rentals and none of the lands?

Mr. CLARK of Wyoming. She has none of the lands and none of the rentals.

Mr. BATE. The United States Government proposes to take all those lands into its own possession and keep them as property belonging to the United States?

Mr. CLARK of Wyoming. Yes; that is the proposition exactly.

Mr. BATE. And offers to her \$250,000 for them as a bonus, I suppose.

Mr. CLARK of Wyoming. Well—

Mr. BATE. As compensation, then. But she has not been consulted about that matter.

Mr. CLARK of Wyoming. Not that I know of, by the Government. If she is willing to take it, as the amendment proposes, that ends all claims she has upon the Government of the United States or upon the Territory of Hawaii in regard to this matter.

Mr. BATE. It seems to me, upon that kind of a showing, it is not very creditable to this Government that it should be done.

Mr. CLARK of Wyoming. It is not creditable to the Government the way it is now.

Mr. KYLE. Will the Senator from Wyoming allow me? Were these lands the personal property of the Queen?

Mr. CLARK of Wyoming. They were not the personal property of the Queen in the sense that she could alienate them. They were the personal property of the Queen or the reigning sovereign in the sense that the revenues of these lands went to the reigning sovereign.

Mr. KYLE. The annual income from these lands was set aside by the monarchy for the support of the Queen. Was not that all?

Mr. CLARK of Wyoming. Yes.

Mr. KYLE. The same as it is in Great Britain?

Mr. CLARK of Wyoming. Yes, sir; that is right.

Mr. KYLE. But they were not her personal property at all?

Mr. CLARK of Wyoming. Not in the sense that she could give any deed in fee simple.

Mr. KYLE. She had no other right to them than any other woman who might have been upon the throne as queen.

Mr. CLARK of Wyoming. The Senator is right.

Mr. KYLE. It was not her property at all, as I understand.

Mr. PETTIGREW. What is the income derived from these lands?

Mr. CLARK of Wyoming. I can not give the exact figures, but the income at present is between one hundred and one hundred and fifty thousand dollars per annum.

Mr. PETTIGREW. What was it at the time the Queen was deposed?

Mr. CLARK of Wyoming. Fifty thousand dollars.

Mr. PETTIGREW. She was deposed in 1893?

Mr. CLARK of Wyoming. Yes, sir.

Mr. PETTIGREW. She is still living?

Mr. CLARK of Wyoming. Yes, sir.

Mr. PETTIGREW. It seems to me we can not afford to pass this bill without providing for the Queen, inasmuch as we de-throned the Queen. Nobody else did it. The United States did it. We landed our troops there.

Mr. CLARK of Wyoming. The Senator is perfectly right.

Mr. PETTIGREW. We took her government away. No other forces did it than the forces of the United States. Then we made a treaty with the puppets we set up for title to that country. Therefore, it seems to me, it would be shameful to pass this bill without making some such provision.

Mr. JONES of Arkansas. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Arkansas?

Mr. CLARK of Wyoming. If I have the floor.

The PRESIDENT pro tempore. The Senator from Wyoming has the floor.

Mr. CLARK of Wyoming. I yield to the Senator from Arkansas.

Mr. JONES of Arkansas. One difficulty about this, it occurs to me, is that this provision in the bill seems to be a recognition in the Queen of the ownership of these lands. It is on that ground that we propose to make a one-sided trade, without her consent, and to give her \$250,000. So if she does not take it, she can come back and say that we having recognized that she owns these lands, she is entitled to the million and a half or two millions and a half that they are worth. Now, if these lands belonged to the Queen, that is one thing. If they belonged to the crown, it is another thing.

Mr. CLARK of Wyoming. I should like to ask the Senator to

state the difference, as he understands it, between belonging to the Queen and belonging to the crown.

Mr. KYLE. There is a great difference.

Mr. CLARK of Wyoming. There is no difference.

Mr. JONES of Arkansas. One belongs to the office; the other belongs to the person. The office was organized by the government that existed there, and this was the means of supporting the office which those people had organized and continued until they chose to abolish it, and the property which they had set apart to maintain that office was not needed to maintain an office that did not exist.

Mr. CLARK of Wyoming. May I ask the Senator a question? Is he aware of the fact that the reigning sovereign of the country by the law of the land was entitled to name his or her successor?

Mr. JONES of Arkansas. That made no difference. It did not give the person the ownership of property which belonged to the office. That cuts no figure whatever in it. The Queen of the Sandwich Islands is no more the owner of the Crown lands than the President of the United States is the owner of the Executive Mansion during his term.

Mr. MORGAN. Or of the public lands.

Mr. JONES of Arkansas. Or of the public lands of the United States. The public lands of the United States belong to the people, the body of the people, the whole people. Whatever they may be set aside for, they belong to the body of the people, the whole people. The sovereign of the United States would not be the owner if we had a sovereign. The President is not the owner when we have a President.

It seems to me the Senate ought to be cautious about taking a step of this kind. While I am opposed generally to the whole of this legislation, and believe it is a mistake from the beginning, and agree fully with the Senator from South Dakota [Mr. PETTIGREW] about the action of our Government in overthrowing that government, still I think we had better look a little carefully before we put our foot down in a case of this kind.

Mr. CLARK of Wyoming. Mr. President, I do not care at this late hour to take any time on this question; but I believe that a great wrong has been done.

Mr. JONES of Arkansas. I believe that.

Mr. CLARK of Wyoming. We all know that revolutions, if successful, are just; they are legal; and the successful power has the right to do what it pleases. It is not often that I agree with the Senator from South Dakota on political questions, but there is no man in this Chamber, if you get him out in a corner of the cloakroom, who will not acknowledge that the revolution in Hawaii was made possible only by the arms of the United States of America. Now, can we not afford to be at least equitable and just and honest in this matter? We took those islands? They had to go somewhere. I do not regret that we took them. I am very glad of it, because I think that of all the domain over which the American flag flies to-day the Sandwich Islands are the fairest and give promise of the most in the future.

But, Mr. President, there was a great wrong perpetrated. It may not be news to any Senators, but at the time of the revolution which displaced the monarchy and displaced the Queen there was not a thing that was not sequestered and confiscated—not only the Crown lands, to the revenue of which she was entitled, but everything in her household from the blue china on the sideboard to the tin dipper in the kitchen.

Mr. KYLE. I have no objection to setting apart something for the Queen. That is not my objection at all, but I take exactly the position occupied by the Senator from Arkansas [Mr. JONES], that she has no right whatever to the Crown lands.

Mr. CLARK of Wyoming. She has no right?

Mr. KYLE. No. I put it upon a different ground.

Mr. CLARK of Wyoming. I put it upon the ground of equity and good conscience, that a great Government like this taking possession of those islands can afford to be generous and just and equitable. I do not go into the law side of the court to urge this claim. I come into the equity side of the court. We took all these lands, and the minute this bill passes we get a hundred or a hundred and fifty thousand per annum from them.

Mr. PLATT of Connecticut. For the benefit of the people of the Hawaiian Islands, however.

Mr. CLARK of Wyoming. That is all right. It may be for the benefit of the people, but can the Senator from Connecticut say that in equity and good conscience something ought not to be done for the government that has been revolutionized?

Mr. PLATT of Connecticut. If the Senator wishes a reply, I will say that I think whether we shall donate something to the Queen is one question. The question whether we should recognize her title to the lands and admit that we have been to blame about that revolution is an entirely different thing. I am not disposed to do that.

Mr. CLARK of Wyoming. My amendment does not meet the remarks of the Senator from Connecticut. It simply provides that we shall pay her \$250,000 upon her relinquishment of all claims that she may have or claim to have upon those lands. That is all.



I was not aware of the enormity of section 101 of the bill when it came out of the committee of which I have the honor to be a member; but it not only says that she shall not now have any right, but that she shall be forever debarred from all claim of right in any court or in any tribunal that may now exist or may hereafter be constituted. I have spoken longer than I cared to, and I should like to have a vote on the amendment, and upon that vote will depend whether or not I will call up another amendment I have submitted.

Mr. CULLOM. Mr. President, I have never been able, so far as I am concerned, to satisfy myself entirely whether or not the late Queen of the Hawaiian Islands had any interest after she was overthrown which would give her a right to recover anything from the United States, but I supposed that if she had she would not undertake to get it by a direct appropriation by Congress. I presumed she would pursue her remedy, if she had one, in the courts of the United States, and the courts, if she had any title and interest in the Crown lands, so called, would render such a verdict as would be just to her. I still think that that is the right course and that it is not a good thing to come in here with an amendment proposing to appropriate \$250,000 for her without knowing whether she is entitled to half that much or twice that much. Everybody knows that if we adopt the amendment it will not be two years before she will come for another installment, more or less.

Mr. CLARK of Wyoming. If the Senator will read the amendment he will see that she could not. She is barred absolutely.

Mr. CULLOM. If she is barred absolutely, she perhaps would not take the money unless she thought it was all she was entitled to or more. She had no title to those lands at all, but she had a sort of arrangement by which she got rentals, from year to year, under the old system that existed for years back.

Mr. JONES of Arkansas. Will the Senator from Illinois permit me to interrupt him?

Mr. CULLOM. Certainly.

Mr. JONES of Arkansas. The provision of this amendment is that this amount is to be paid to the "late Queen \* \* \* for all right, claim, or interest she may have or claim to have in or to the said Crown lands herein mentioned;" and the Senator himself admitted that she had no personal right in the land—that it belonged to the crown. His idea is to make this provision by way of compensation for the wrong of the Government of the United States in overthrowing her and depriving her of this power; but the trouble, it occurs to me, is that we are recognizing the right of ownership in her personally to these lands which never did exist.

Mr. CLARK of Wyoming. The Senator from Arkansas is splitting hairs there.

Mr. CULLOM. I hardly understand the temper of the Senate or of anybody apparently on these questions. After we have gone on and recognized what took place there and after we have finally accepted the cession of the islands, Senators in this body turn around and begin to abuse the Government of the United States for everything it has ever done with reference to those islands, when all of us in this Chamber pretty nearly voted for the annexation of the Hawaiian Islands.

Mr. JONES of Arkansas. I did not. I beg pardon. I was paired against the joint resolution.

Mr. BACON. I did not.

Mr. CULLOM. A great majority of the Senate did, as I remember.

Mr. BACON. I did not.

Mr. CULLOM. But whether they did or not, after it is finished, after we have accepted the islands, it seems to me there ought to be some time in our history when we will talk about something else and stop abusing the people or the Congress or the country for accepting the islands or the manner of their acceptance. There ought to be a statute of limitations, it seems to me, which would run to estop Senators and Representatives and other people from finding fault eternally with what the Government does after it has been done for years and years, especially when in the judgment of the people of the United States we did right.

So far as I am concerned, I do not want to abuse the Queen. She was overthrown. She substantially abdicated, as a matter of fact, voluntarily, by her own act. But I am not going to discuss that. The question is now what we ought to do, whether anything, for her now that she has become a private citizen. I happen to know that she is here in this city now, or has been until recently. I do not know whether she is actually here now. But she has been consulting lawyers in the District of Columbia to know what her rights are.

Now, we propose to appropriate \$250,000 for her to live on. If the Senate wants to do it, it can do so; but in my judgment there ought to be a more intelligent way of determining whether she has any rights, and then what those rights amount to.

Mr. TELLER. What section is this?

Mr. CLARK of Wyoming. Section 101.

Mr. TELLER. I should like to ask the Senator a question. Why did the committee see fit to put in section 101 and cut off any right

she might have? Why do they not let her go to the courts, if she has any chance?

Mr. CULLOM. That was my idea; that she should go to the courts.

Mr. TELLER. Strike out section 101.

Mr. CULLOM. The Senator from Alabama [Mr. MORGAN] and one or two others explained that section the other day, and I should be glad to have the Senator from Alabama explain it again for the satisfaction of the Senate. I confess that I have always felt that it was not right to insert it, because it deprives her of the opportunity to do what I think she has a right to do, if she has any interest in the land, and that is to find out what it is through the courts of the country.

Mr. PETTIGREW. Mr. President, in January, 1893, there was a friendly government existing in the Hawaiian Islands, possessing treaty relations with the United States and maintaining itself, preserving order, life, and property. About that time 13 men, some of whom were citizens of Hawaii, some of them citizens of the United States, and some subjects of Germany, met in an office in Honolulu and conspired together to overthrow the established friendly government. These revolutionists sent one of their number to the United States minister and told him what their plans and purposes were and made an arrangement with him by which the marines of the United States on the war ship *Boston* in the harbor of Honolulu were to land and protect the conspirators and help to overthrow this friendly government. The marines did land. These men addressed a letter to our minister, asking him to land the marines and troops to protect life and property, and they fixed the hour at 5 o'clock in the afternoon.

After they had made the request for the landing of troops and he had arranged for their landing, these 13 men sent one of their number to our minister asking him to defer the landing until the next day. If there was danger to life and property, why did they want to defer the landing until the next day? There was no danger to life and property. Life and property were being protected, and peace and quiet and safety existed. The troops were to be landed to enable the conspirators to overthrow a friendly government.

The minister had already ordered the landing of the troops, and while their emissary was at the office of our minister the troops were put ashore from the vessel, a hundred and eighty of them, and they marched not to any point in the city where they could protect life and property, not to the American consul's office or the resident minister's office, not to the heart of the business section of the city of Honolulu, but to Arion Hall, a little building 75 yards from the government building. Why did they march to that point? Simply because our minister had agreed that if these 13 conspirators would take possession of the government building and there read their proclamation declaring the government overthrown, he would recognize them.

The next day these 13 men marched to the government building in two squads, so as not to attract attention, marched on two different streets, and having come to the government building, where there was no armed force, no revolutionists, nobody but the janitor and the clerk inside, they proceeded to read their proclamation declaring the government of Queen Liliuokalani overthrown. The marines in the meantime had been drawn up in line with their Gatling gun within 75 yards of the scene.

The Senator from Illinois [Mr. CULLOM] said the Queen abdicated; that she surrendered her government. What are the facts? Immediately upon reading this proclamation, without any armed force to protect them except the marines of the United States, they went to the American minister and secured a recognition of the government instituted by the 13 men, and sustained by nothing unless it was the marines of the United States. The marines had assumed a threatening attitude. The committee also sent an emissary—Mr. Damon—to the Queen. Here is what she said. Here is her letter upon this subject:

I, Liliuokalani, by the grace of God and under the constitution of the Hawaiian kingdom, Queen, do hereby solemnly protest against any and all acts done against myself and the constitutional government of the Hawaiian kingdom by certain persons claiming to have established a provisional government of and for this kingdom.

That I yield to the superior force of the United States of America, whose minister plenipotentiary, His Excellency John L. Stevens, has caused United States troops to be landed at Honolulu and declared that he would support the said provisional government.

Now, to avoid any collision of armed forces and perhaps the loss of life, I do, under this protest and impelled by said force, yield my authority until such time as the Government of the United States shall, upon the facts being presented to it, undo the action of its representatives and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands.

Done at Honolulu this 17th day of January, A. D. 1893.

LILIUOKALANI, R.  
SAMUEL PARKER,  
Minister of Foreign Affairs.  
WM. H. CORNWELL,  
Minister of Finance.  
JNO. F. COLBURN,  
Minister of the Interior.  
A. P. PETERSON,  
Attorney-General.

Mr. President, we had landed 180 armed men with Gatling guns. Our minister had said that he would sustain this provisional government of thirteen men backed by no force at all; and the Queen, the Senator from Illinois says, surrendered her government.

Mr. LINDSAY. He says "voluntarily."

Mr. PETTIGREW. She says she surrendered it to the superior force of the United States until the United States could pass upon the question and settle the contention upon the basis of justice.

Now what induced her to do this? These men, shrewd and capable men, who owned the sugar plantations, had gone and persuaded her that the United States would do what was right; that the United States would, when they understood the facts, restore her government, inasmuch as we had overthrown it by force of superior numbers, and persuaded the Queen not to fight the United States and thus save bloodshed. Years before this an English admiral had sailed into the bay of Honolulu and with his armed forces had overturned the king and dethroned him and taken charge of the government. The then king surrendered under a protest similar to this one formulated by Queen Liliuokalani and submitted the question to the English Government; and to the honor and credit of the English Government, they restored the king and repudiated the acts of their admiral.

No wonder the Queen then believed that this great Republic, that had been in the habit of doing right, would be more certain to do what was right than the Kingdom of Great Britain. Therefore she submitted under this protest this question to us. These thirteen men, or a part of them, signed a statement declaring that Stevens did not recognize this provisional government until after the Queen had surrendered and turned over to them the arsenal, the government buildings, the guns, and arms. It turns out that their statement was absolutely false; that Mr. Stevens recognized this provisional government, although the Queen had at the time 275 armed men under her command; that she also had two or three Maxim or Gatling guns; but that she simply surrendered provisionally until the question could be submitted to us.

What did we do? We put up our flag over the buildings, and for sixty days the Stars and Stripes floated over the government headquarters of Hawaii. During that time these 13 men armed their followers, gathered together a considerable force, hired able-bodied men, no matter of what nationality, passing through that port on their way to Australia or elsewhere, and gathered together a force of 400 armed men. In the meantime, with our flag floating over the transaction, they searched every house in the islands, confiscated every gun that they could find, disarmed everybody, passed a law by which they made it a criminal offense to import a gun of any sort, and through these proceedings thoroughly consolidated their power. With 400 armed men, when our flag was taken down, they were able to maintain themselves against the inhabitants of that country.

They ran along for a year, or two or three years, and finally these usurpers declared that they would adopt a constitution. They never had adopted any. There never had been any government except the self-constituted government of these 13 men. By the way, they had added to their number until there were 19 of them. There were those, however, who had agreed to meet in the first instance, as the lurid Thurston, for example, the most eloquent fellow among them all, the man who wanted to aid other people to overturn the monarchy. He was not seen whenever there was any meeting through which he might be classed as a traitor. So they increased their number by voluntary acquisition until they had 19. The 19 men constituted the government, and they ran it along for over a year, for a year and a half, and then concluded they would adopt a constitution, and thus they organized the republic of Hawaii. This is the way they adopted the constitution. They said that the people of Hawaii might elect eighteen delegates to a constitutional convention to sit with the 19 self-constituted and self-elected and self-appointed men who had been running the government.

So the people, those whom they would allow to vote, elected 18 delegates, and the 18 delegates sat with the 19 men who had made themselves the government, and were not elected by anybody, being merely conspirators, and they formed a constitution; but after they had formed it they gave the aggregation a high-sounding title, the Republic of Hawaii, and declared for religious liberty and against slavery, and then proceeded to import slaves from Asia and Europe for their sugar plantations. This constitution was never submitted to a vote of the people and was not voted upon by the people of Hawaii; it was never voted upon by anybody, only the 19 men who constituted it and the 18 men who were allowed to be elected by some sort of popular suffrage, but it was simply promulgated, and that is the government which existed in those islands up to the time we took possession.

We refused to take possession for several years, and so matters ran on until the Spanish war broke out. Then we passed a joint resolution by which we annexed the Hawaiian Islands to the United States. We made a treaty, however, previous to that time with aforesaid 19 men, and that treaty provided that the islands should

be annexed to the United States. We could not ratify the treaty because a two-thirds vote could not be obtained in this body to ratify it. After trying for weeks they finally succeeded in passing through both Houses a joint resolution of annexation. I do not know whether that was ever agreed to by the people of the islands or not. It makes no difference. It may have been agreed to by those 19 men; it never was agreed to by the people of Hawaii; and if a vote had ever been taken of the legal and lawful voters of that country any resolution to annex the islands to the United States would have been defeated 5 to 1.

Now, what was the purpose of all this? Not to advance the interests of the people of the United States. We had made a treaty in 1875 by which we agreed to admit sugar from those islands free of duty. We were charging 2 cents a pound upon all the sugar that came from every other country in the world, and 2 cents a pound was equivalent to \$40 a ton bounty on sugar. It came in free from Hawaii and they could raise it with slave labor at \$3 or \$7 a month and board themselves, and it paid an enormous profit. So they came here and railroaded through this reciprocity treaty, as they called it, in 1875. The sugar interests flourished. New plantations were opened up. The remitted duties amounted to millions of dollars.

In 1890 we passed a law admitting sugar into the United States free of duty from everywhere, and, therefore, they had to sell their sugar in this country or wherever they could in the markets of the world without the advantage of the duty which we had theretofore imposed on sugar from every other country but their own. Their bonus was gone. But we had enacted a law by which we paid 2 cents a pound bounty on sugar, maple sugar, beet sugar, and sugar from Louisiana, and therefore the sugar planters, who found their industry waning and their profits slipping away, concluded that they wanted to be annexed to the United States so as to get the bounty. If they were a part of the United States they would be entitled to the 2 cents a pound bounty; and this is the reason why the movement was set on foot to annex those islands to this country. This is the reason why those 13 men interested in the sugar industry, a part of them citizens of Hawaii, a part of them citizens of England and Germany, and one or two of them citizens of the United States, entered into the enterprise to overturn a friendly government and annex the islands to this country.

Shortly following the effort at annexation we reenacted a duty upon sugar, so that the advantage returned to them. We have remitted in duties to those people already the sum of over \$80,000,000. Each year we remit in duties now more than \$10,000,000, and that money comes out of the pockets of the people of the United States. Ten million dollars a year for the privilege of having the name of governing this rotten borough in the Pacific! It comes out of the people of the United States, because, although they raise 300,000 tons of sugar, the amount which they raise is not sufficient to lower the price one particle in the United States, and therefore the duty which we remit, for we charge no duty upon their sugar, is added to the price of the sugar to the Hawaiian planter and comes out of the pockets of our people. In other words, if those islands were not a part of the United States, and if we collected duty upon the sugar which they ship to us, we would collect a duty of over \$10,000,000 a year.

Mr. CULLOM. I inquire of my friend if he is in favor of putting a duty on sugar now that they are a part of the United States. Also, while I am on my feet, if the Senator will allow me, I will ask him whether he does not know that under the reciprocity treaty sugar was coming in free a very long while before we got the islands?

Mr. PETTIGREW. I stated that we made an agreement in 1875 by which sugar came in free from those islands, and that when in 1890 we made sugar free from everywhere they ceased to have an advantage, and therefore they wanted annexation in order to get the bounty of 2 cents a pound which we were paying upon the domestic sugar produced.

I will briefly answer the Senator's question before I finish. Now, with regard to these islands, what have we acquired? Mr. President, there are 3,085 people of American blood in the Hawaiian Islands. There are about 1,100 men who can vote. Of those 3,085 people, 1,900 are males and 1,100 are females, showing almost 2 to 1 of males over females among the population of American blood, showing the same thing that exists in every tropical country in the world where the European has gone. In other words, the European, the American, does not go to the Tropics to raise children, to have a family, and therefore the disproportion between the males and the females for every Anglo-Saxon settlement in the Tropics throughout the world is from 2 to 5 to 1. In Singapore there are probably 6,000 Europeans, English and Americans, and less than 1,000 of them are females. So it is in Hongkong; so it is in every tropical country throughout the world; so it is in Hawaii, and so it will always be in Hawaii.

What were we told? Why, that this was the paradise of the Pacific, that Americans would go there and raise families, and that we would soon build up an American State. Mr. President,



the moment we annexed those islands we were notified by every lodge of Odd Fellows and Masons and Knights of Pythias that it was no place for an American to stay unless he had enough money to take care of him as long as he wanted to remain there and to get away with when he tired of staying; that the labor market was overcrowded; that there was no place for American laborers or American toilers. But in the meantime they imported, after we annexed the islands, 37,000 contract laborers from Asia.

Now, what have we annexed? We have annexed 3,085 people of American blood, many of them citizens of Hawaii, whose fathers went to that country to carry the blessings of a Christian religion, and whose sons had become the prosperous sugar planters of that country. We have annexed 5,000 or 6,000 Germans, English, Scandinavians, etc. We do not know whether they will become citizens of the United States or not. We have annexed about 16,000 Portuguese, whose ancestors went to those islands as contract laborers from Madeira years ago, and we have annexed 32,000 Kanakas and 8,000 mixed bloods, half Kanaka and half missionary and half Chinese—

Mr. GALLINGER. That makes three halves.

Mr. PETTIGREW. Three halves; and we have annexed Asiatics by the thousand. We have annexed 37,000 contract laborers and 25,000 or 30,000 Asiatics who are not contract laborers, and now we try to flatter ourselves over the delusion that we are going to make a Territory in the center of the Pacific and ultimately admit it as a State into this Union. Is this the material out of which an American State is made, with less than 1,200 voters who are Americans, with a population of Asiatics whose males and females are in the proportion of 10 to 1, for under their system of importing labor the contract provides that 1 woman only shall be brought for each 10 men. So where they bring in 10,000 Asiatics they bring in 1,000 women. Does this brothel, then, in the Pacific possess the elements, and will it ever possess the elements out of which you can construct an American State? It is all nonsense; it can not be done. We must hold them as a subject colony. We must hold them as a part of an empire. We must undertake to maintain under our flag two forms of government.

For that reason, Mr. President, I would allow the Hawaiian people again, if they choose to do it, to set up a republic of their own and maintain it as best they can. They have no right to become a part of our system. I would impose duties against their products the same as we impose them against the rest of the world. You can not maintain there, neither can you maintain in the Tropics anywhere throughout the world, the form of Government under which we live. I believe that every people throughout the world are capable of a form of government best suited to them, and that they are capable of maintaining as good a form of government as they are entitled to; but I do not believe that every people wherever you may find them are capable of maintaining our form of Government.

Therefore I am opposed to this expansion. I am opposed to the acquisition of those islands. I am opposed to any effort to impose a government upon an unwilling people who do not understand and comprehend our institutions. I do not believe our flag should go to any land where our Constitution can not go. It should go where men are capable of comprehending that Constitution and are able to maintain free institutions, where men live who love and adore the principles of the Declaration of Independence.

Therefore I am opposed to this bill. I am opposed to any effort that we may make to furnish a government for a people who can not live under our institutions.

Mr. CLARK of Wyoming. I hope the Senator will vote for the amendment.

Mr. QUARLES. Mr. President, I understood when the Senator from South Dakota rose to discuss this question that he was in favor of this amendment, but his argument is very persuasive against it. If we have made such a wretched bargain in obtaining this so-called rotten borough, which for the various reasons mentioned by the distinguished Senator will prove like ashes in our hands, why should we pay a bonus now of \$250,000 on the trade?

The argument of my learned friend proves too much. His argument would be in favor not of paying this solace to a deposed queen, but of putting the crown back on her head, placing the faded emblems of monarchy back in her hands; and he would have the Senate on this amendment consider that major question.

Our distinguished friend has an assortment of skeletons which he brings periodically before this body. I thought we had seen them all and had become familiar with the grewsome gyrations of each one. But here is a boggy man from the Sandwich Islands, brought up now to harass the imagination of this body when it is simply considering at the end of this bill a question not germane to the suggestions of the distinguished Senator, but simply whether we shall from a supposed equity pay as a consolation to this deposed Queen, who has no semblance of legal right, the sum of \$250,000.

It is stated here, Mr. President, that this amendment is proposed without the knowledge or consent of the Queen. On the other hand, it is stated that she has employed her attorneys and proposes to go into the courts and enforce her claim as a legal obligation. How untimely, then, it would be for the Senate to pass such an amendment, which amounts to a tacit recognition of some legal right on her behalf. The attorneys who are waiting to begin that suit would be glad that such a recognition should be given to her claim by this body.

Now, Mr. President, there are knocking at the doors of Congress to-day hundreds of poor, old, maimed soldiers and sailors, asking us to increase their little bounty or pension, and I for one would much prefer to take the \$250,000, which is a gratuity at best, and give it to those poor old cripples rather than to place the Queen of the Sandwich Islands on our pension rolls.

Mr. BACON. Mr. President, I quite agree with the proposition that there can be no possible legal claim by the Queen against the United States Government or against the Hawaiian government on account of these Crown lands. Whether in conscience right or wrong, the results of a revolution always affect legal rights. It is simply a question, as has been suggested by Senators who have already spoken upon the subject, whether under all the circumstances under which the Queen was deprived not only of her crown, but of all her property of every sort and description anything is due in equity and good conscience to this deposed Queen. The circumstances I will not repeat, because I have no desire to fall under the criticism of having any disposition to speak disparagingly of any part taken by the United States Government in that matter.

I think it would be a mistake to adopt the language which is in the amendment, which calls for a relinquishment by the Queen of her right and the execution of deeds to such relinquishment, because that would be a recognition on the part of the Government of the United States of a claim which she might afterwards rely upon with some degree of confidence. I therefore propose to offer to the amendment submitted by the Senator from Wyoming an amendment, striking out certain words and inserting others, which I will send to the desk.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment, which will be read.

The SECRETARY. After the words "Hawaiian Islands," in line 4 of the printed amendment, strike out all the section down to and including the word "Lihukalani," in line 8, and insert the words:

In full settlement of any claim for interest, legal or equitable, she may now have or may have had in said Crown lands or the usufruct of the same, and in full settlement of any and every claim she now has or may have had against the United States and against the Hawaiian government on any account whatsoever.

Mr. CLARK of Wyoming. That accomplishes the object I intended by my amendment, and, so far as I am concerned, I accept the modification.

Mr. BACON. I understand the Senator from Wyoming accepts the amendment. I simply desire to say in response to the suggestion of the Senator from Wisconsin [Mr. QUARLES] that this money practically does not come out of the coffers of the Treasury of the United States. It is to be paid practically out of the revenues of these lands. As stated by the Senator from Wyoming, these lands in 1893, at the time when the Queen was deposed, were producing a revenue of \$50,000 a year, and they are now producing a revenue of over \$100,000 a year. None of that fund can be devoted to the very laudable and excellent purposes which the Senator from Wisconsin has suggested. In other words, under the law as it stands, what may arise from these lands will necessarily be devoted exclusively to the Hawaiian Islands, and this is simply subtracting from the general purposes now contemplated by the law for the benefit of the Hawaiian Islands and devoting that much of it to the compensation of the Queen. So that really the United States Government will not pay one cent of it. The fund, unless it is devoted in part to this purpose, will all go to certain purposes in the Hawaiian Islands. If it is devoted to this purpose, no single dollar is subtracted from what will ultimately be the property or the money of the United States, but it is simply subtracted from what will go to certain funds and certain purposes in the Hawaiian Islands.

Mr. SCOTT. Will the Senator allow me?

The PRESIDENT pro tempore. Does the Senator from Georgia yield?

Mr. BACON. Certainly.

Mr. SCOTT. I rise for the purpose of asking the Senator a question for information. I inquire if, at the time of the insurrection, all property, personal as well as state property, was taken from the Queen?

Mr. MORGAN. It was not.

Mr. BACON. I will state to the Senator from West Virginia that I have very little personal familiarity with this matter, for I had no knowledge of it until it was brought to the attention of the Senate to-day by the Senator from Wyoming [Mr. CLARK].

But it was stated, possibly while the Senator from West Virginia was not in the Chamber, that at the time of the deposition of the Queen every particle of her personal property, even to her tableware and kitchen furniture, was taken from her; that she was absolutely turned out without anything whatever.

Mr. SCOTT. I am much obliged to the Senator.

Mr. MORGAN. That statement is not correct.

Mr. BACON. I am only saying that that is the statement of the Senator from Wyoming [Mr. CLARK]. I have no knowledge of the matter myself. I think the amendment puts the matter in an entirely different position before the Senate from what it would be otherwise. It does not recognize any legal claim, and nothing is said therein upon which any claim can be based in the future if we should fail to pass the amendment or if we should pass it.

Mr. PLATT of Connecticut. Mr. President, it seems to me most unfortunate that this amendment has been proposed to this bill. I can not think the object that the Senator from Wyoming had in view was to raise again in the Senate the question of whether this Government has dealt unfairly with the Queen. We had that discussion years ago, and it is entirely out of place, as it seems to me, to revive it now.

I do not think, from hearing all that has been said, that there is any occasion now for this Government to appropriate \$250,000 for the Queen of the Sandwich Islands. I do not see upon what ground it is based, except upon the ground that we took away from her her lands.

Mr. President, the revolution in the Sandwich Islands is an accomplished fact, and was an accomplished fact years ago. The Queen had no interest in the lands, except that as Queen she derived a revenue from them for the support of the royal household. Under every principle of law and under every principle of right when a government changes, the interest of the former monarch, the interest of the former government, in any of the lands passes to the new government.

The right to these lands is in the people of Hawaii to-day, and not in the former Queen. If we pass this amendment, we propose to take from the people of Hawaii that which rightfully belongs to them—\$250,000 of the revenues to be derived from their lands—and appropriate it to the uses of the Queen. That is all there is about it.

I think, Mr. President, that the United States ought to hesitate, and hesitate long, before it does such a thing. At least a proposition of this sort ought to come before the Senate as an independent proposition, be referred to a committee, reported upon, and discussed; so that if anything of this character is to be done it should be done with our eyes open.

This is not a donation. Even if it were put upon that ground, I see no reason why we should make it. There is a kind of sympathy in the breast of everyone and a kind of sentimentalism which, when there is any proposition to pay any money to anyone, at first blush inclines Senators to favor it. But I see no reason why the United States should donate \$250,000 to the former Queen. I see still less reason, if there be any, why we should take \$250,000 from the people of Hawaii and give it to the Queen. That is an arbitrary proceeding that can not be justified for a moment.

This amendment, as originally introduced and even as proposed to be amended by the Senator from Georgia [Mr. BACON], counts upon some interest of the Queen, some right of hers, some property of hers, which has been taken away from her either by the people of Hawaii or by the United States. If we pass this amendment it can in no sense be said to be a donation to her which we, out of the goodness of our hearts, take from the Treasury of the United States and transfer to her pocket. It is a recognition of a right, and the arbitrary enforcement of that right upon the people of Hawaii; and we should not enact any such legislation.

Mr. CLARK of Wyoming. Mr. President, I thank the Senator from Connecticut [Mr. PLATT] most sincerely for his rebuke.

Mr. PLATT of Connecticut. There was no rebuke about it.

Mr. CLARK of Wyoming. But so long as I shall remain in the Senate I shall reserve the right to offer any and every amendment which I think is proper to any and every bill which comes before the Senate. I do not want to transgress the privileges of the Senate; I do not want to transgress the rules of the Senate; but I do want to see justice done, and I think that is one of the things which the Senate of the United States sits for.

The Senator from Connecticut says there is no legal right in the matter which is involved in the amendment which has been proposed by myself and amended by the Senator from Georgia. I grant it, because in the politics of the world might means right, and the nation that is strong enough to throttle a smaller nation never has to answer in any court of justice for its action, and it may go "unwhipped of justice" for all its ill deeds. But that does not alter the fact that a great nation can afford to be generous and just and honest.

There is no legal claim. The minute that the republic of Hawaii in its might, aided—I repeat it again—by the Government of the United States, made a revolution and took over the Crown

lands, that minute all legal right ceased. But the Senator from Connecticut, and every other Senator, knows that there is something besides legal rights in this world. There is a moral obligation that rests upon every government to treat its subjects and the subjects of other governments in a moral and in an equitable way.

Notwithstanding what has been said by the Senator from Connecticut, at the time of her overthrow the Queen of those islands had \$50,000 annual profit—constitutional profit—from the Crown lands of those islands. The republic took them over, and, as has been said, it not only took the Crown lands over, but it made such a confiscation as has never been made by a revolution, not even the French Revolution. It took every article of personal apparel; it took every article in the kitchen; it took every article in the palace; it took every article everywhere; arrested the deposed monarch upon the streets and kept her in close confinement in a government building for months and months, without allowing her to visit her home. I am not specially interested in the individual. I am simply interested in seeing that this Government does justice. I am simply interested that we do at least equity.

Mr. KYLE. May I ask the Senator a question?

Mr. CLARK of Wyoming. Certainly.

Mr. KYLE. I ask the Senator if the Queen was the only one dispossessed of rights at the time of the overthrow of the monarchy?

Mr. CLARK of Wyoming. She was, so far as I know. I do not know of any others.

Mr. KYLE. Were there not a great many others?

Mr. CLARK of Wyoming. There may have been.

Mr. KYLE. Then it might be right to include them all in the bill.

Mr. CLARK of Wyoming. I do not think there were any others—there were no others.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wyoming yield?

Mr. CLARK of Wyoming. Certainly.

Mr. PLATT of Connecticut. Is it not the truth that all this property which is said to have been confiscated was afterwards turned over to the princess by the government of Hawaii?

Mr. CLARK of Wyoming. No; that is not true.

Mr. PLATT of Connecticut. I so understood.

Mr. CLARK of Wyoming. Part of it was, but the most of it was sold at auction or in some other way, and went into the coffers of the government.

So it seems, Mr. President, not only an act of justice—as the Senator from Connecticut very well says, legally there is no claim—but morally and equitably, and under all the laws that ought to govern a body of this kind, something ought to be done to correct what was done, at least with our connivance, if not with our concurrence.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. It is proposed to add to section 101 the following:

And the sum of \$250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid Liliuokalani, late Queen of the Hawaiian Islands, in full settlement of any claim for any interest, legal or equitable, she may now have or may have had in said Crown lands or the usufruct of the same, and in full settlement of any and every claim she may now have or may have had against the United States and against the Hawaiian government on any account whatsoever: And provided further, That said sum of \$250,000 shall, to that amount, be a charge upon the revenues of said lands, and shall be repaid to the United States from the revenues of said lands in five equal annual payments.

Mr. MORGAN. That proviso ought not to be in there.

Mr. CULLOM. No.

Mr. MORGAN. When those lands were taken over by the republic they were leased and they were converted into the public domain, and are now subject to homestead entry. Under the laws of Hawaii persons are now proceeding to take them up. It will leave the lien of the government upon them; and, of course, the government of Hawaii, instead of letting those lands go into private ownership, must keep them and lease them for a long time, indefinitely, according to this bill.

We have got to keep them and hold them in trust, in order that this woman shall get the advantage of the income from them, if the Government of the United States is to be reimbursed for paying this \$250,000. If we do anything for her benefit at all, it ought to be a benevolence, and it ought to be an act of recognition that there is some duty or some privilege resting upon us to reinstate her, so far as her private fortunes are concerned, for anything she might have lost by virtue of the abdication of her crown; for the fact of the business is that she did abdicate her crown, Mr. President.

That proviso ought not to go into this bill; it ought to be stricken out. I hope it will be withdrawn. It is not necessary at all that the Government of the United States should be reimbursed this sum of money. It only takes the amount out of the



control of the Hawaiian government, so as to compel the lands to be leased from this time forward forever. The land can not be devoted to homestead settlement at all.

Mr. CLARK of Wyoming. I do not suppose the Senator understands that any of the land that is now under lease is subject to homestead entry.

Mr. MORGAN. I do. As fast as the leases expire the land is subject to homestead entry.

Mr. CLARK of Wyoming. But not so long as the land is under lease.

Mr. MORGAN. But many of the leases have expired or are expiring.

Mr. CLARK of Wyoming. If the Senator will remember and look at his data, he will find that very few leases will expire during the term of five years mentioned in the amendment.

Mr. MORGAN. My impression is that quite a number of the leases have expired, or are about expiring. What is the use of having the Government of the United States set apart those lands as a fund to reimburse this \$250,000 and take them out of the land system in Hawaii, entirely out of the public domain? We have dedicated those lands by the act of annexation to the use of the people of Hawaii, not to the use of Liliuokalani, nor to the use of the United States.

Mr. BACON. Will the Senator permit me just a moment?

Mr. MORGAN. Yes.

Mr. BACON. The proviso expressly limits this to a charge upon the revenues from those lands especially, and those which have been disposed of by settlement or otherwise can not be affected. The proviso can not affect any lands except those which remain under lease and from which revenues are derived.

Mr. MORGAN. There is no use for it and no need for it. It is a sort of Indian gift—give it and take it back. If we are going to do the decent thing about it, if Senators insist that it is a decent act to do, then let us do it without reservation and without embarrassing the land system of Hawaii in order to get the measure through the Senate.

Mr. CULLOM. May I ask the Senator, by his leave, a question?

Mr. MORGAN. Certainly.

Mr. CULLOM. I ask whether the Senator does not think that this whole subject of what should be paid to the Queen, if anything, should be the result of a special investigation, and that we should then act with all the light possible before us?

Mr. MORGAN. It ought to be the subject of a separate bill. The committee have not had any opportunity of considering this question at all as a claim against Hawaii or the Government of the United States. It has not been presented either to the commission or to the committee.

Mr. CLARK of Wyoming. The bill as prepared and reported absolutely cuts off any possibility of action in that regard.

Mr. MORGAN. No; it does not do that.

Mr. CLARK of Wyoming. If section 101 does not do that, I should like to have the Senator from Alabama interpret it.

Mr. MORGAN. I will interpret it in a moment. The Government of the United States took over the title of those lands in Hawaii and devoted the proceeds of the lands entirely to the people of Hawaii, acting merely as a conduit or trustee for the purpose of holding title for the benefit of those people. In doing that, the commission and the committee were afraid that the Government of the United States might have thrust upon it a liability or incumbrance claimed by Liliuokalani, and therefore cut it off so far as this Government is concerned, without touching her right, whatever that might be. The only provision of the bill on the subject is that this Government does not assume, and will not assume, any claim of trust or obligation resting upon that public domain that we got from the Hawaiians; which was a just, proper, and necessary provision, and did not affect her at all.

I know what has been said about this thing very frequently. Men have been here for a year or two years; have been here almost all the time. They came here before annexation took place with powers of attorney, coupled with an interest, to have this claim vamped up and paid. Suits have been threatened, but lawyers have not yet been found who had the temerity to bring the suits against the republic of Hawaii. This claim ought at least to have gone before the Committee on Foreign Relations on the part of the Senator who now offers it, who is a member of that committee. That committee has never had an opportunity of passing upon this question, and the amendment ought to go by the board. I would vote against it, or I would move to lay it on the table, but for one reason. I am willing that the Government of the United States shall exercise whatever of generosity it chooses to do toward Liliuokalani for the purpose of healing up the scars and wounds which have been inflicted by the annexation of Hawaii upon Senators on this floor. That is the object.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDENT pro tempore. The hour of 4 o'clock has arrived; and, under the unanimous-consent agreement made yes-

terday, the amendments and the bill are now to be voted upon without debate.

Mr. MORGAN. I call for the yeas and nays.

The PRESIDENT pro tempore. Does the Senator demand the yeas and nays on the proposed amendment?

Mr. MORGAN. I move to strike out the last clause of the amendment.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. MORGAN] moves to strike out the proviso; and on that motion he calls for the yeas and nays.

Mr. CULLOM. The proviso to what?

The PRESIDENT pro tempore. The proviso to the amendment offered by the Senator from Wyoming [Mr. CLARK].

Mr. CLAY. Is it the proviso to the amendment offered by my colleague, the Senator from Georgia [Mr. BACON]?

The PRESIDENT pro tempore. It is the proviso which was offered by the Senator from Wyoming [Mr. CLARK] to his amendment.

Mr. CLAY. I understand.

Mr. GALLINGER. I move to lay the entire amendment on the table, Mr. President.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire [Mr. GALLINGER], to lay the amendment and the proposed amendment to it on the table.

The motion was agreed to.

Mr. PLATT of Connecticut. I offer as a new section the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. It is proposed to insert as a new section, to precede the last section of the bill, the following:

Nothing contained in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will at any future time be admitted as a State, or attached to any State.

The PRESIDENT pro tempore. The question is on the amendment which has just been read.

Mr. CULBERSON. I call for the yeas and nays.

Mr. CHILTON. Mr. President, it seems to me that the amendment ought not to be adopted. I am not in favor of admitting Hawaii as a State—

The PRESIDENT pro tempore. Debate is not in order.

Mr. CHILTON. It is not in order?

The PRESIDENT pro tempore. It is not, under the agreement made yesterday.

Mr. CHILTON. Excuse me; I was not aware of that.

Mr. MORGAN. If the amendment is not debatable, I make the point of order that it was not pending at 4 o'clock.

Mr. CULLOM. It was pending.

Mr. MORGAN. No, sir; it was not then offered in the Senate. The PRESIDENT pro tempore. Under the peculiar wording of the unanimous-consent agreement the Chair would hardly feel authorized to rule that the amendment could not be offered now.

Mr. MORGAN. If it is offered now, it ought to be debated.

The PRESIDENT pro tempore. As the agreement appears in the RECORD it does not say "and amendments then pending;" but it says "to-morrow at 4 o'clock the Senate will proceed to vote upon the amendments and the bill."

Mr. MORGAN. That, of course, means pending amendments.

Mr. CULLOM. And without debate.

The PRESIDENT pro tempore. It does not say "on amendments then pending," which is the usual way in arrangements of that kind.

Mr. MORGAN. Well, Mr. President—

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Connecticut [Mr. PLATT].

Mr. CHILTON, Mr. STEWART, and others called for the yeas and nays.

The yeas and nays were ordered.

Mr. PETTUS. Mr. President, I move to amend the amendment by inserting, after the word "will," the words "or will not;" so as to read:

Nothing contained in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will or will not at any future time be admitted as a State, or attached to any State.

Mr. HOAR. That is not in order.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama [Mr. PETTUS] to the amendment of the Senator from Connecticut [Mr. PLATT].

Mr. PLATT of Connecticut. Let the amendment be stated from the desk.

Mr. HOAR. Mr. President, I rise to a point of order. I came in when the Chair was announcing his ruling. Did the Chair announce that he should hold that no new amendment is in order?

The PRESIDENT pro tempore. The Chair did not.

Mr. HOAR. What was the Chair's ruling?

The PRESIDENT pro tempore. The agreement is in peculiar wording. It is not as usual in unanimous-consent agreements,

that "the vote shall be taken on the amendments then pending and on the bill," but it is "on the amendments and the bill."

Mr. HOAR. If a vote is to be taken at 4 o'clock on the amendments and the bill, how can any time after 4 o'clock be occupied by offering new amendments? I might offer an amendment that would take a half an hour to read. I submit respectfully to the Chair that "the vote shall then be taken on the amendments and the bill" implies that nothing can be done but voting after 4 o'clock; that no new motions can be made.

Mr. STEWART. I would suggest to the Chair that if the amendment of the Senator from Connecticut [Mr. PLATT] is in order, every other amendment would still be in order without limit.

Mr. FORAKER. It seems to me not exactly right that we should have new propositions advanced now that have had no time to consider and no time to discuss. I understood when I was giving consent yesterday that when the hour of 4 o'clock was reached to-day, we would have been advised of all the proposed amendments and would have been given an opportunity to discuss them.

Mr. CULLOM. It was certainly meant that no amendment should be offered after 4 o'clock.

The PRESIDENT pro tempore. The Chair has not ruled that amendments are in order, but the inference from his putting the question on the amendment offered by the Senator from Connecticut [Mr. PLATT] was that that was his understanding.

Mr. PLATT of Connecticut. Mr. President, of course debate is not in order. I wish simply to say, by unanimous consent, that I have had that amendment before me for the last two days, trying to get an opportunity to offer it. I supposed certainly that the privilege existed after 4 o'clock of offering amendments and having votes upon them. I knew that the amendment could not be debated. I want to debate it, but I know that I can not under the agreement. I thought, however, I could have the privilege of offering the amendment and then of having a vote upon it.

Mr. HOAR. I very much desire to debate that amendment, and to debate it at length. It attacks the doctrine upon which I myself took the very grave responsibility of voting for the Hawaiian treaty. I do not want to be led into what seems to be a repudiation of that principle by an amendment offered which can be dealt with by the Senate without debate, and after we had agreed that the vote should be taken at 4 o'clock. I must enter my protest against it.

Mr. CULLOM. I hope the Chair will rule.

The PRESIDENT pro tempore. No point of order has yet been made that the amendment is not in order.

Mr. MORGAN. I made the point of order, Mr. President, distinctly that that amendment was not in order because it had been offered after 4 o'clock.

Mr. CULLOM. That is correct. The Senator did.

The PRESIDENT pro tempore. The Chair is inclined to think the Senator is correct.

Mr. MORGAN. Of course I did.

Mr. ALDRICH. If the Chair will read the statement made by the Presiding Officer yesterday, I think it will dispose of this question. That statement reads as follows:

And that to-morrow at 4 o'clock the Senate will proceed to vote upon the amendments and the bill, and that all debate shall then cease.

Of course we can not vote precisely at 4 o'clock upon all these amendments and the bill, but the general understanding of the Senate has been to commence voting at the time fixed, and that all debate should then cease.

Mr. CULLOM. No new amendments to be offered.

The PRESIDENT pro tempore. The point made here is that this amendment was offered after 4 o'clock.

Mr. ALDRICH. "All amendments" must be in the nature of things—the plural being used—any amendment of which notice had been given by any Senator; and that, I think, has been the universal custom of the Senate; otherwise it would be technically confined to one single amendment, and no Senator could offer any other.

Mr. HOAR. I desire to call the attention of the Chair, if I may have leave, to the fact that under the rules of the Senate—I am not now speaking of appropriation bills, but on all other bills—any other measure whatever can be offered as a substitute or an amendment to a pending bill. It is known very well that one of the most important pieces of legislation we ever passed was offered as an amendment to a pension bill in the last hours of the session. Suppose the bill which is now the subject of a conference report—the currency bill—was offered at this moment as an amendment to this measure. It would be clearly in order under our rule. At the same time the Senate would be compelled to vote on it without debate.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PLATT of Connecticut. Then, if I may be permitted, because I do not wish hereafter to be accused of anything that would

look like interfering with the business of the Senate, I do not propose to give any further assent to the taking of a vote upon any bill in which I am interested at any time.

Mr. HOAR. Without reserving the right at the time.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. CLARK of Wyoming. I have an amendment upon the desk to strike out section 101, which I offered.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment, which will be stated.

The SECRETARY. On page 50 it is proposed to strike out section 101, as follows—

Mr. PLATT of Connecticut. How is that amendment in order?

The PRESIDENT pro tempore. It was sent to the table and printed.

Mr. PLATT of Connecticut. But that does not make the amendment in order. It is offered after 4 o'clock.

Mr. CLARK of Wyoming. It is an amendment which has been pending. It is an amendment of which I gave notice and which I sent to the desk long before 4 o'clock.

Mr. PLATT of Connecticut. If we are to be technical, let us be technical about everything.

Mr. MORGAN. It never has been offered.

Mr. PLATT of Connecticut. It has not been offered, and if I—

Mr. CLARK of Wyoming. It surely was offered.

Mr. PLATT of Connecticut. It could not be offered, because an agreement was pending. That was the reason why I could not offer my amendment. I tried to get the attention of the Chair to offer it. If we are going to be technical against one amendment, let us be technical against all.

Mr. STEWART. I do not think that rule applies, because it has been the universal custom to regard all amendments of which notice has been given as pending within the meaning of the understanding. They are not pending technically, but I refer to amendments of which notice has been given and which are on the table. No amendment has ever before been offered after the time agreed upon, and there is no precedent for it.

Mr. PLATT of Connecticut. I make the point of order that this amendment was not offered before 4 o'clock.

The PRESIDENT pro tempore. The Chair overrules the point of order. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. CLARK], which will be stated.

The SECRETARY. It is proposed to strike out section 101, in the following words:

SEC. 101. That the portion of the public domain heretofore known as crown land is hereby declared to have been on the 12th day of August, 1898, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever upon the rents, issues, and profits thereof, and shall be subject to alienation and other uses as may be provided by the laws of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was rejected.

Mr. PETTIGREW. I now call up the amendment which I offered yesterday, to strike out all of section 18 down to and including the words "United States," in line 16, and insert what I have sent to the desk. I call the attention of the Senator from Illinois to the amendment.

The PRESIDENT pro tempore. The Senator from South Dakota offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all of section 18 on page 11 of the last print, down to and including the words "United States," in line 16, and insert the following:

That no person shall be deprived of the right to vote because of his failure or refusal to qualify and take the oath required by the republic of Hawaii, but all such persons possessing the qualifications required by this act shall, upon taking an oath to support the Constitution of the United States, be entitled to vote at all elections hereafter held in the Territory of Hawaii.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota.

The amendment was rejected.

Mr. PETTIGREW. I ask for the yeas and nays.

Mr. MORGAN. It is too late.

Mr. PETTIGREW. The amendment relates to the question of suffrage.

The PRESIDENT pro tempore. The Senator from South Dakota demands the yeas and nays on the amendment. Is there a second?

The yeas and nays were not ordered.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT OF PUERTO RICO.

Mr. FORAKER. I move that the Senate proceed to the consideration of the bill (H. R. 8245) temporarily to provide revenues for the relief of the island of Puerto Rico, and for other purposes.



Mr. PENROSE. I do not intend to oppose the motion of the Senator from Ohio, but I should like to have it distinctly understood on his part, as I believe it is, and on the part of the Senate that it shall not interfere with the question which the Senate has already voted to take up. I refer to the Pennsylvania Senatorial case.

Mr. FORAKER. I understand that if this bill is taken up and we proceed to its consideration it will be under the same rule that has obtained in the consideration of the Hawaiian bill, and that at any time, if a Senator is ready to speak on that subject, he can do so, and if it reaches a place where the Senator from Pennsylvania wants to take a vote, he can do so.

Mr. PENROSE. I desire to state that under those circumstances I shall not oppose the motion. I also desire to state that I expect at an early day to ask for a vote upon the Pennsylvania case.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Ohio, to proceed to the consideration of the bill suggested by him, known as the revenue bill for the island of Puerto Rico.

The motion was agreed to.

#### EXECUTIVE SESSION.

Mr. DAVIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 2, 1900, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate March 1, 1900.*

##### APPOINTMENT BY TRANSFER IN THE ARMY.

Second Lieut. Charles H. Whipple, jr., First Artillery, from the artillery arm to the infantry arm, February 26, 1900, with rank from February 1, 1900.

##### PROMOTIONS IN THE ARMY.

##### Medical Department.

Maj. Robert M. O'Reilly, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, February 21, 1900, vice Koerber, retired from active service.

Capt. William J. Wakeman, assistant surgeon, to be surgeon with the rank of major, February 21, 1900, vice O'Reilly, promoted.

##### SURVEYOR OF CUSTOMS.

Thomas W. Wheeler, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York, to succeed G. Frank Bayles, whose term of office has expired by limitation.

##### POSTMASTERS.

Homer A. Plimpton, to be postmaster at Perris, in the county of Riverside and State of California, in the place of Dora Austin, whose commission expires March 27, 1900.

F. A. Root, to be postmaster at Miami, in the county of Dade and State of Florida, in the place of J. S. Warner, resigned.

Francis Marion McDowell, to be postmaster at Winamac, in the county of Pulaski and State of Indiana, in the place of W. E. Jackson, whose commission expired March 6, 1898.

J. H. Smith, to be postmaster at Downs, in the county of Osborne and State of Kansas, in the place of S. W. Carney, whose commission expires March 10, 1900.

Edward A. Ellis, to be postmaster at Newton Center, in the county of Middlesex and State of Massachusetts, in the place of Edward A. Ellis, whose commission expires March 13, 1900. (Reappointed.)

Stephen Osgood, to be postmaster at Georgetown, in the county of Essex and State of Massachusetts, in the place of A. B. Comins, whose commission expires March 25, 1900.

William F. Wiley, to be postmaster at Peabody, in the county of Essex and State of Massachusetts, in the place of T. H. Jackman, whose commission expires March 27, 1900.

Eugene T. Slayton, to be postmaster at Lapeer, in the county of Lapeer and State of Michigan, in the place of Irving McArthur, whose commission expired February 24, 1900.

Frank L. Redfield, to be postmaster at Cloquet, in the county of Carlton and State of Minnesota, in the place of G. D. Muggah, whose commission expires March 3, 1900.

Charles A. Sawyer, to be postmaster at Jackson, in the county of Cape Girardeau and State of Missouri, in the place of J. E. Schmuke, whose commission expires March 25, 1900.

William C. Collins, to be postmaster at Homer, in the county of Cortland and State of New York, in the place of C. E. Wills, deceased.

Gilbert Francis, to be postmaster at Ellenville, in the county of Ulster and State of New York, in the place of L. R. Benedict, whose commission expires March 25, 1900.

Charles T. Jackson, to be postmaster at Goshen, in the county of Orange and State of New York, in the place of Theodore Smith, whose commission expires March 30, 1900.

Frederick T. Miles, to be postmaster at Salem, in the county of Columbiana and State of Ohio, in the place of F. P. Dunlap, whose commission expires March 13, 1900.

Byron G. Hahn, to be postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania, in the place of E. F. Bogert, removed.

James H. Morrison, to be postmaster at Marienville (late Marionville), in the county of Forest and State of Pennsylvania, in the place of H. H. McClellan, whose commission expired January 15, 1900.

George B. Jacobus, to be postmaster at Caldwell, in the county of Essex and State of New Jersey, in the place of Stephen Van Order, whose commission expired December 19, 1899.

#### WITHDRAWALS.

*Executive nominations withdrawn March 1, 1900.*

A. C. Cooke, to be postmaster at Truckee, in the State of California.

William N. Conn, to be postmaster at Winamac, in the State of Indiana.

Henry C. Mead, to be postmaster at Caldwell, in the State of New Jersey.

James Nash, to be postmaster at Rankin Station, in the State of Pennsylvania.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate, March 1, 1900.*

##### CONSULS.

George B. Anderson, of the District of Columbia, now consul at Grenoble, France, to be consul of the United States at Prescott, Canada.

Grenville James, of New York, now consul at Prescott, Canada, to be consul of the United States at Grenoble, France.

##### POSTMASTER.

William M. McKim, to be postmaster at Oil City, in the county of Venango and State of Pennsylvania.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, March 1, 1900.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

##### LEAVE TO WITHDRAW PAPERS.

By unanimous consent, on motion of Mr. SULLOWAY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of John N. Bruce, Fifty-fifth Congress, no adverse report having been made thereon.

##### C. E. MARR AND E. H. PIERCE.

Mr. LANDIS. I ask unanimous consent for the present consideration of the bill (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors.

The bill was read, as follows:

*Be it enacted, etc., That C. E. Marr and E. H. Pierce, keepers of the Cuckolds, Maine, fog-signal station, be, and are hereby, authorized to accept each a silver watch awarded to them, respectively, by the government of the Dominion of Canada in recognition of their services in rescuing the captain and crew of the schooner Aurora, of Harboursville, Nova Scotia, on January 4, 1896.*

THE SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON. I should like to have the gentleman from Indiana make some explanation of this matter and state whether the bill has been reported by any committee, and if so, what committee.

Mr. LANDIS. The bill explains itself. It simply authorizes the parties whose names are mentioned to accept silver watches voted to them by the government of the Dominion of Canada in recognition of their heroism displayed in rescuing certain people

who were wrecked on a stranded schooner. The bill is unanimously reported by the Committee on Foreign Affairs.

Mr. TALBERT. I could not hear the reading of the bill. I should like to ask the gentleman if it is a bill that carries any appropriation from the Treasury of the United States?

Mr. LANDIS. None whatever.

Mr. RICHARDSON. We should like to be informed as to the facts in reference to the loss of the schooner.

Mr. LANDIS. The schooner was wrecked.

Mr. RICHARDSON. When and where?

Mr. LANDIS. Off the coast of Nova Scotia.

Mr. RICHARDSON. Recently?

Mr. GAINES. Were the contents of the schooner saved? [Laughter.]

Mr. LANDIS. I think that the gentlemen whose names are mentioned in the bill were relieved from all responsibility of assisting to unload the schooner.

Mr. RICHARDSON. I understand that the watches which are to be presented to them are silver watches.

Mr. LANDIS. Silver watches.

Mr. RICHARDSON. Not gold watches?

Mr. LANDIS. Not gold watches.

Mr. PAYNE. Unfortunately, the bill can not be amended in that respect. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading.

The SPEAKER. The Chair will state to the gentleman from Indiana that the engrossed copy of the bill is not here, and the Chair dislikes to have a bill passed which is not properly before the House. The matter may be held in suspension until the engrossed copy is received.

Mr. RICHARDSON. I should like to ask the gentleman if he will not at that time give the House the benefit of a statement as to who these two persons are, so that we may know more about the matter. Are they citizens of the United States?

Mr. LANDIS. They are citizens of the United States.

Mr. RICHARDSON. The bill does not say so, and we do not know where they reside or anything about it. I presume it is all right, but we ought to know something about who the parties are.

Mr. LANDIS. I will see that the engrossed copy is brought before the House, and shall then give an explanation which I am certain will be satisfactory to the distinguished gentleman from Tennessee.

JACOB S. ENGLEMAN.

Mr. QUARLES. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8188) to amend the act approved March 3, 1899, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.* That so much of the act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act, and for other purposes, approved March 3, 1899, as authorizes and directs the Secretary of the Treasury to pay to the legal representatives of Jacob S. Engleman, deceased, late of Augusta County, Va., \$510 be repealed. In lieu thereof there shall be appropriated to Jacob S. Engleman, administrator of John Engleman, deceased, late of Augusta County, Va., \$510.

Mr. PAYNE. Mr. Speaker, I would like to hear a statement. It was impossible to get an idea of what the bill was by the reading.

Mr. QUARLES. I wish to offer an amendment which makes it plainer.

The SPEAKER. Before proceeding further, the gentleman from New York asks the gentleman from Virginia to make a short statement. Unanimous consent has not yet been given.

Mr. PAYNE. We could not hear the bill read.

Mr. QUARLES. This is simply to correct an error in a law that was passed last session, which directed \$510 to be paid to the personal representatives of Jacob S. Engleman, when it should have been \$510 to Jacob S. Engleman, administrator of the estate of John S. Engleman, deceased. It simply makes that correction.

Mr. MCRAE. It does not change the amount?

Mr. QUARLES. It does not change the amount.

Mr. PAYNE. Has the bill been reported from a committee?

Mr. QUARLES. The bill has been reported favorably.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. QUARLES. I offer an amendment.

The Clerk read as follows:

Strike out all after the word "repealed," in line 1, page 2, and insert: "And in lieu thereof there is appropriated to Jacob S. Engleman, adminis-

trator of John Engleman, deceased, late of Augusta County, Va., the sum of \$510, and the same is directed to be paid him by the Secretary of the Treasury."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

#### ARID LANDS.

Mr. SHAFROTH. Mr. Speaker, I ask unanimous consent that there be read at the Clerk's desk a memorial of governors of States which include arid lands, relative to certain legislation now pending in this body.

The SPEAKER. The gentleman from Colorado asks unanimous consent to have read at the Clerk's desk a memorial of certain governors.

Mr. PAYNE. Mr. Speaker, I think this should take the usual order.

The SPEAKER. Objection is made.

#### ADDITIONAL EMPLOYEES IN HEATING AND VENTILATING DEPARTMENT.

Mr. BULL. Mr. Speaker, I submit the following privileged report from the Committee on Accounts.

The Clerk read as follows:

*Resolved.* That the Speaker of the House is hereby authorized to appoint the following additional employees in the heating and ventilating department of the House wing of the Capitol, who shall be paid out of the contingent fund of the House during the Fifty-sixth Congress, until otherwise provided for, as follows: One assistant engineer, at the rate of \$1,200 per annum; 1 fireman, at the rate of \$900 per annum, and 2 laborers, at the rate of \$720 per annum each.

The SPEAKER. The Chair would ask the gentleman from Rhode Island if the present law does not require these firemen to be appointed by the Architect of the Capitol, with the approval of the Speaker?

Mr. BULL. No, sir; I think not.

The question was taken, and the resolution was agreed to.

On motion of Mr. BULL, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### CONTESTED-ELECTION CASE—ALDRICH AGAINST ROBBINS.

Mr. MANN. Mr. Speaker, I call up as a matter of privilege the contested-election case of Aldrich against Robbins, which is House resolution 145, and ask for the reading of the resolution.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent, and I know the gentleman from Illinois will not object, before the motion is submitted that I may be permitted to make a statement of a minute or two.

Mr. MANN. Certainly.

Mr. BARTLETT. Mr. Speaker, the views of the minority, which were prepared and filed along with the report of the majority of the committee, at the time that the case was argued and at the time it was decided, and during the time it was being considered by the minority who prepared the report, my colleague upon the committee, the gentleman from Mississippi [Mr. Fox], who is a member of the committee and has been so during the Fifty-fifth Congress and now, was present. He was called home. He is now at home on account of the very serious and most likely fatal illness of his wife.

I received some days ago a letter from him stating the condition of his wife—that was after the case had been reported—in which he said, "I hope the Robbins case can be postponed until my return." I will not read the balance of the letter because it has reference solely to the condition of his wife. On yesterday afternoon, returning to my hotel, I found this telegram: "Wife very low. Please have Robbins case postponed. A. F. Fox."

Mr. MOODY of Massachusetts. I would like to ask the gentleman from Georgia if the gentleman to whom he alludes wrote the minority report?

Mr. BARTLETT. He did not; but answering the question of my friend from Massachusetts, who is a fair man and who desires to be courteous and extend all courtesy to others no matter where they come from, that Mr. Fox is an able lawyer, is a member of this committee, and it is the only committee in the House of which he is a member, and if the case is to be argued thoroughly, and if the House desires information as to the facts and the law of the case, I suggest to the gentleman from Massachusetts and to gentlemen on that side that Mr. Fox being an able lawyer and being an old member of this House, he ought to be present and be permitted to argue the case if he wishes to. It is a privilege and a courtesy that ought to be extended to him as a minority member of the committee by the other members of the committee and the House. He not only concurred in the minority report, but he has taken the evidence, and has with him an abstract of it and a brief and everything of that kind, expecting to return, if he could, and argue the case; and it is only by the interposition of Divine Providence in its affliction upon him and his family, the sickness of his wife, who is now hovering between life and death, and perhaps



whose life has now already departed, that his presence in the House is made impossible.

Mr. MANN. Mr. Speaker, it would be very far from me to refuse to extend any courtesy to the gentleman from Georgia or the gentleman from Mississippi. The gentleman from Mississippi is a member of the minority committee and is detained at home by the serious illness of his wife, and under ordinary circumstances a decent respect for his feelings might require us to postpone this case. It is, however, true, Mr. Speaker, that he took but little or no part in the consideration of this case in committee, and after the case had been considered by the committee, at the request of the gentleman from Mississippi [Mr. Fox], the majority of the committee gave to the minority two or three weeks' extra time in which to prepare the report, with the express understanding that no further postponement in this case should be granted on account of the absence of the gentleman from Mississippi, an understanding which was acquiesced in at the time by the gentleman from Mississippi. Notice has been given in the House that this case would be called up, and it is well known that certain gentlemen of the minority not on the committee have already prepared to argue this case on account of the absence of the gentleman from Mississippi, and therefore I can see no reason for the further postponement of the resolution.

Mr. BARTLETT. Mr. Speaker, if my friend will permit me to call his attention to the agreement not to postpone, I will suggest to him that he ought in all fairness to state that that agreement was made when it was thought that the case would be gotten up two days after the report was filed. That not having been done, it gives the matter a new aspect, and the gentleman knows that every time he has mentioned the matter to me I have distinctly stated to him that I would make no agreement about it.

Mr. MANN. Mr. Speaker, I do not complain in any way of the attitude of the gentleman from Georgia. He has been very courteous and is a courteous gentleman at all times, but it is still true that the understanding on our part was that this case should be proceeded with in the absence of the gentleman from Mississippi. I call up the resolution.

The SPEAKER. Let the resolution be reported.

The Clerk read as follows:

*Resolved*, That Gaston A. Robbins was not elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is not entitled to a seat therein.

*Resolved*, That William F. Aldrich was elected a member of the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to a seat therein.

The SPEAKER. Does the gentleman from Georgia wish to have the minority resolution reported at the same time?

Mr. BARTLETT. Yes, Mr. Speaker; but I want to raise the question of consideration at the proper time. I do not desire to waive the question of consideration by having the minority resolution read. I desire to ask if reading the minority resolution will waive the question of consideration?

The SPEAKER. It will not. Does the gentleman wish to have the minority resolution pending?

Mr. BARTLETT. I do.

The SPEAKER. Let the minority resolution be read.

The Clerk read as follows:

*Resolved*, That William F. Aldrich was not elected a member of the House of Representatives from the Fourth Congressional district of Alabama to the Fifty-sixth Congress, and is not entitled to the seat.

*Resolved*, That Gaston A. Robbins was duly elected a member of the House of Representatives for the Fifty-sixth Congress from the Fourth Congressional district of Alabama, and is entitled to the seat therein.

The SPEAKER. The question is raised by the gentleman from Georgia, Will the House consider the case of Aldrich against Robbins?

Mr. MANN. Has the Chair already ruled on the question of the gentleman from Georgia [Mr. BARTLETT] as to whether he has the right to raise the question of consideration?

The SPEAKER. The Chair has already ruled upon that question. All debate before that was purely preliminary.

The question was taken; and the Speaker announced that the yeas seemed to have it.

Mr. MANN and several others. Division, Mr. Speaker.

The SPEAKER. A division is demanded.

Mr. MANN. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 144, answered "present" 1, not voting 70; as follows:

## YEAS—137.

Acheson,	Bromwell,	Clarke, N. H.	Davidson,
Adams,	Brosius,	Cochrane, N. Y.	Dayton,
Alexander,	Brown,	Cooper, Wis.	Dick,
Allen, Me.	Burke, S. Dak.	Corliss,	Dolliver,
Baker,	Burkett,	Cousins,	Dovener,
Barham,	Burleigh,	Cromer,	Eddy,
Bartholdt,	Burton,	Crump,	Emerson,
Bishop,	Butler,	Crumpacker,	Esch,
Boutell, Ill.	Calderhead,	Curtis,	Fletcher,
Bowersock,	Cannon,	Cushman,	Fordney,
Brick,	Capron,	Davenport, S. A.	Foss,

Fowler,	Howell,	Minor,	Spalding,
Freer,	Jack,	Moody, Mass.	Sprague,
Gamble,	Jenkins,	Moody, Oreg.	Steels,
Gardner, Mich.	Jones, Wash.	Morris,	Stevens, Minn.
Gardner, N. J.	Joy,	Needham,	Stewart, N. J.
Gill,	Kahn,	O'Grady,	Stewart, Wis.
Gillet, N. Y.	Kerr,	Olsted,	Sulloway,
Gillett, Mass.	Ketcham,	Otjen,	Tawney,
Graff,	Knox,	Overstreet,	Taylor, Ohio
Graham,	Lacey,	Parker, N. J.	Thomas, Iowa
Greene, Mass.	Landis,	Payne,	Thropp,
Grosvenor,	Linney,	Pearre,	Tongue,
Grout,	Littlefield,	Phillips,	Van Voorhis,
Grow,	Long,	Pugh,	Vreeland,
Hamilton,	Lovering,	Ray,	Wanger,
Haugen,	Lybrand,	Reeder,	Waters,
Hedge,	McCleary,	Roberts,	Watson,
Hemenway,	McPherson,	Russell,	Weaver,
Henry, Conn.	Mahon,	Shattuc,	Weeks,
Hepburn,	Marsh,	Showalter,	White,
Hill,	Mercer,	Smith, Ill.	Young, Pa.
Hitt,	Mesick,	Smith, Samuel W.	
Hoffecker,	Metcalf,	Smith, Wm. Alden	
Hopkins,	Miller,	Southard,	

## NAYS—144.

Adamson,	Davey,	Little,	Ruppert,
Allen, Ky.	Davis,	Livingston,	Ryan, N. Y.
Allen, Miss.	De Armond,	Lloyd,	Ryan, Pa.
Atwater,	De Graffenreid,	McAleer,	Scudder,
Bailey, Tex.	De Vries,	McClellan,	Shackelford,
Ball,	Dinsmore,	McCulloch,	Shafroth,
Bankhead,	Dougherty,	McDowell,	Sheppard,
Barber,	Elliott,	McLain,	Sibley,
Bartlett,	Finley,	McRae,	Sims,
Bell,	Fitzgerald, Mass.	Maddox,	Slayden,
Bellamy,	Fitzgerald, N. Y.	Mann,	Smith, H. C.
Benton,	Foster,	May,	Snodgrass,
Berry,	Gaines,	Meekison,	Spight,
Bradley,	Gaston,	Meyer, La.	Stark,
Brantley,	Gilbert,	Miers, Ind.	Stephens, Tex.
Breazeale,	Glynn,	Mondell,	Stokes,
Brenner,	Gordon,	Moon,	Sulzer,
Brewer,	Green, Pa.	Muller,	Sutherland,
Brundidge,	Griffith,	Naphen,	Talbert,
Burke, Tex.	Griggs,	Neville,	Taylor, Ala.
Burleson,	Henry, Miss.	Noonan,	Terry,
Burnett,	Henry, Tex.	Norton, S. C.	Thayer,
Caldwell,	Howard,	Otey,	Thomas, N. C.
Carmack,	Jett,	Pierce, Tenn.	Turner,
Catchings,	Johnston,	Quarles,	Underwood,
Chanler,	Jones, Va.	Randsell,	Vandiver,
Clark, Mo.	Kitchin,	Rhea, Ky.	Wheeler, Ky.
Clayton, Ala.	Kleberg,	Rhea, Va.	Williams, J. R.
Clayton, N. Y.	Klutz,	Richardson,	Williams, W. E.
Cochran, Mo.	Lamb,	Ridgely,	Williams, Miss.
Cooper, Tex.	Lanham,	Riordan,	Wilson, Idaho
Cowherd,	Latimer,	Rixey,	Wilson, N. Y.
Crawford,	Lentz,	Robb,	Wilson, S. C.
Cummings,	Lester,	Robinson, Ind.	Young, Va.
Cusack,	Levy,	Robinson, Nebr.	Zenor,
Daly, N. J.	Lewis,	Rucker,	Ziegler,

## ANSWERED "PRESENT"—1.

Hull.

## NOT VOTING—70.

Babcock,	Driggs,	Loud,	Sherman,
Bailey, Kans.	Driscoll,	Loudenslager,	Small,
Barney,	Epes,	McCall,	Smith, Ky.
Bingham,	Paris,	Morgan,	Sparkman,
Boreing,	Fitzpatrick,	Mudd,	Sperry,
Boutelle, Me.	Fleming,	Newlands,	Stallings,
Broussard,	Fox,	Norton, Ohio	Stewart, N. Y.
Brownlow,	Gayle,	Packer, Pa.	Swanson,
Bull,	Gibson,	Pearce, Mo.	Tate,
Campbell,	Hall,	Polk,	Tompkins,
Connell,	Harmer,	Powers,	Underhill,
Cooney,	Hawley,	Prince,	Wachter,
Cox,	Hay,	Reeves,	Wadsworth,
Crowley,	Heatwole,	Robbins,	Warner,
Dahle, Wis.	Lane,	Robertson, La.	Weymouth,
Dalzell,	Lawrence,	Rodenberg,	Wright,
Davenport, S. W.	Littauer,	Salmon,	
Denny,	Lorimer,	Shelden,	

So the House refused to consider the election case.

The SPEAKER. The Clerk will announce the pairs.

Mr. HULL. I wish to inquire whether the gentleman from Virginia, Mr. HAY, voted on this question?

The SPEAKER. He is not recorded.

Mr. HULL. Then I desire to withdraw my vote, as I have a general pair with him and was not at liberty to vote in his absence.

The SPEAKER. Without objection, the vote will be withdrawn.

Mr. MANN. I ask to change my vote from "aye" to "no."

The SPEAKER. The change can be made. The Clerk will again call the gentleman's name.

Mr. MANN's name was again called; and he voted "no."

The following pairs were announced:

Until further notice:

Mr. PACKER of Pennsylvania with Mr. POLK.

Mr. WRIGHT with Mr. HALL.

Mr. HULL with Mr. HAY.

Mr. SHERMAN with Mr. DRIGGS.

Mr. DALZELL with Mr. SWANSON.

Mr. BAILEY of Kansas with Mr. SMITH of Kentucky.

Mr. LANE with Mr. SALMON.  
 Mr. McCALL with Mr. EPES.  
 Mr. BOREING with Mr. FITZPATRICK.  
 Mr. GIBSON with Mr. TATE.  
 Mr. WEYMOUTH with Mr. BROUSSARD.  
 For one week:  
 Mr. HEATWOLE with Mr. CROWLEY.  
 After Friday next:  
 Mr. HEMENWAY with Mr. MIERS of Indiana.  
 Until Monday next:  
 Mr. TOMPKINS with Mr. UNDERHILL.  
 Until Wednesday next:  
 Mr. CONNELL with Mr. STANLEY W. DAVENPORT.  
 For this day:  
 Mr. BROWNLOW with Mr. NEWLANDS.  
 Mr. BOUTELLE of Maine with Mr. FOX.  
 Mr. RODENBERG with Mr. SMALL.  
 Mr. SHELDEN with Mr. COX.  
 Mr. LOUDENSLAGER with Mr. STALLINGS.  
 Mr. HAWLEY with Mr. ROBERTSON of Louisiana.  
 On this vote:  
 Mr. BINGHAM with Mr. GAYLE.  
 Mr. BABCOCK with Mr. NORTON of Ohio.  
 Mr. BULL with Mr. COONEY.  
 Mr. LAWRENCE with Mr. FLEMING.  
 Mr. WACHTER with Mr. DENNY.  
 Mr. MUDD with Mr. CAMPBELL.  
 Mr. DOLLIVER with Mr. CLARK of Missouri.

The result of the vote was announced as above stated.

Mr. MANN. I move to reconsider the vote by which consideration of the election case was refused.

Mr. BARTLETT. I raise the point of order that this vote can not be reconsidered.

The SPEAKER. The point is well taken. The Chair directs the Clerk to call the committees for the business of the morning hour.

#### CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed with the call of committees.

The Committee on Elections No. 1 was called.

Mr. MANN. Mr. Speaker, if it be in order, I call up for present consideration the contested-election case of Aldrich vs. Robbins, reported from the Committee on Elections No. 1.

Mr. RICHARDSON. Mr. Speaker, I make the point of order that that matter has just been settled by a direct vote of the House and that it is not in order again to be called up under the rule to-day.

The SPEAKER. The Chair would ask the gentleman from Illinois if this is by direction of his committee?

Mr. MANN. It is not, Mr. Speaker. I have not been instructed to call it up under the call of committees.

The SPEAKER. The point of order raised by the gentleman from Tennessee, the Chair thinks, is not well taken; but the gentleman in charge of the report of the Committee on Elections must be authorized by the committee to call it up under the call of committees, otherwise it would not be in order.

Mr. MANN. Then, Mr. Speaker, I ask that the committee be passed over on this call without prejudice.

Mr. RICHARDSON. To that we object.

The SPEAKER. Objection is made; and the Clerk will proceed with the call of the committees.

#### ORDER OF BUSINESS.

The Committee on Elections No. 3 was called.

Mr. WEEKS. Mr. Speaker, I desire to give notice that the case of Wise vs. Young, from the Second district of Virginia, will be called up for a hearing on Monday next.

The SPEAKER. The Chair will direct the attention of the gentleman from Michigan to the fact that by unanimous consent Monday next has been set apart for business from the Committee of the District of Columbia.

Mr. PAYNE. He can call it up immediately after the District business is disposed of.

Mr. WEEKS. Then, Mr. Speaker, I will say on Tuesday.

Mr. BURKE of Texas. Mr. Speaker, I would like to ask the gentleman from Michigan not to make that motion at this time. I feel now—I would state as one of the minority of the committee who prepared the report—I feel now, and state to my friend from Michigan and the House, that I shall be physically unable to present the case to the House on next Tuesday. If my friend will postpone it until I get better, I shall be perfectly willing to have it taken up at any time.

Mr. WEEKS. Mr. Speaker, I feel constrained to press the case for a hearing at the time mentioned. I would like to accommodate the gentleman from Texas by a further delay if I felt that I could do so properly; but I can not yield to his request consistently with the situation in which I find myself, and shall insist

upon the notice that on Tuesday next the case will be called up for a hearing.

Mr. BURKE of Texas. I will state to the gentleman that I expected to make an address to the House in connection with the case, but fear I shall not be able to do so at the time he mentions. If I am able, I will be perfectly willing to make it as cheerfully on Tuesday week as on Tuesday two weeks.

Mr. WEEKS. I must insist upon the notice, Mr. Speaker.

The SPEAKER. The Clerk will proceed with the call of the committees.

#### NAVIGATION LAWS, HAWAIIAN ISLANDS.

Mr. JONES of Washington (when the Committee on Merchant Marine and Fisheries was called). Mr. Speaker, I am directed by the Committee on Merchant Marine and Fisheries to report the bill (H. R. 5035) to extend the laws relating to commerce, navigation, etc., over the Hawaiian Islands ceded to the United States. I call up that bill for immediate consideration.

The bill was read at length.

Mr. McRAE. Mr. Speaker, I would ask if this bill is on the House Calendar?

Mr. RICHARDSON. I want to reserve the point of order, Mr. Speaker, that it is not properly on the House Calendar, if it is there.

The SPEAKER. The Chair understands that the bill called up by the gentleman is on the Union Calendar. That can not be taken up in the morning hour.

The Clerk will proceed with the call.

#### ORDER OF BUSINESS.

The Committee on the Post-Office and Post-Roads was called.

Mr. LOUD. Mr. Speaker, I desire at this time to make an arrangement, if such an arrangement can be made, to set apart time for the consideration of the bill (H. R. 6071) to amend the postal laws relating to second-class mail matter.

Mr. TERRY. Will the gentleman state the nature of the bill?

Mr. LOUD. It is stated in the title; to amend the postal laws relating to second-class mail matter.

The House probably understands that under this call we have a right to take up this bill now, and the committee, I believe unanimously, taking both sides politically, desired that a day might be set apart, some few days hence, in order that every member might have notice when it was coming up for consideration.

I would ask unanimous consent, therefore, that this bill be taken up immediately after the reading of the Journal on one week from next Tuesday. The day, I believe, is the 13th.

Mr. McRAE. It is a bill relating to second-class mail matter.

Mr. LOUD. Yes.

Mr. BARTLETT. Is it not true that the Nicaraguan Canal bill was set for consideration on the 13th?

Mr. LOUD. No; objection was made.

The SPEAKER. The Chair will state the request of the gentleman that the bill, the title of which he has stated, House bill 6071, may be set for consideration and called up immediately after the reading of the Journal on Tuesday, the 13th instant. Is there objection?

Mr. BELL. Mr. Speaker, I want to make a statement about this bill.

Mr. MAHON. I will reserve my right to object.

The SPEAKER. Does the gentleman object?

Mr. MAHON. I object, unless I can make a statement.

The SPEAKER. That is not an objection.

Mr. MAHON. Well, I object.

The SPEAKER. The gentleman from Colorado—

Mr. BELL. I want to make a statement.

Mr. LOUD. I hope there may be an opportunity to discuss this matter for a few minutes.

Mr. MAHON. I object, Mr. Speaker.

The SPEAKER. The gentleman will not be denied his opportunity to be heard.

Mr. MAHON. I want to be heard or object, one or the other.

Mr. BELL. I want to make a short statement; that is all.

The SPEAKER. The gentleman from Colorado. This is all by unanimous consent.

Mr. BELL. As I understand, growing out of the argument relative to this bill before, a commission was appointed to investigate certain things involved in the hearings. That commission, as I understand, has taken much evidence, and unquestionably the report of the hearings and the evidence would be beneficial on the final disposition of this bill. Now, it seems to me that as we have appointed a commission, growing out of the discussion on this identical bill, and inasmuch as that commission has had hearings for almost a year, having been in session off and on since the last session, this bill should not be brought up until that commission reports and we have an opportunity to see what they have found relative to this second-class mail matter.

Now, in the hearings before, the great point made by the Committee on Post-Offices and Post-Roads was the cost of transporting the second-class mail matter. Some of us took the position, in



which we were borne out by three different Postmasters-General, that some ten or twelve million dollars a year could be saved by the Government owning its own mail cars and requiring the transportation of its mails at the same price as other goods or the goods of private individuals are carried. This bill drifted off on that at two different hearings before the House. The gentleman from Michigan [Mr. SAMUEL W. SMITH] introduced a resolution which brought forth a commission to investigate the questions raised and discussed in this bill.

Now, I notice that the gentleman from Massachusetts [Mr. MOODY], who took an active part in this controversy, is present, and I have learned from him that valuable evidence is being taken, expert statements are being taken, and, as I understand from him, they expect to report before long. It seems to me that if we are going to try to pass this bill before the report of that commission, then we have had the commission to no purpose and the evidence becomes merely a matter of history, and does not in any way give us the light which it was intended to give. I hope this bill will not be pressed until that commission reports and its evidence is published.

The SPEAKER. Is there objection?

Mr. MAHON. I object.

The SPEAKER. Is there anything further from the Committee on the Post-Office and Post-Roads?

Mr. LOUD. I still have the right, Mr. Speaker, to call up this bill; but I hoped that the House would patiently listen for a few moments.

The SPEAKER. The gentleman has the right.

Mr. LOUD. I want the House to understand that it is in deference to those who may have objections to this bill, in order that they may be given an opportunity to prepare themselves for an argument against it, that the committee have asked that the bill be set down for consideration on a future day. The committee are asking no favor. It is not a question of someone getting even with the individual who makes this request, because the committee have the right to call up this bill, and, until it is disposed of, to block all other legislation under this call. Now, the minority of the committee were unanimous in favor of the mode of procedure that I have here advocated, and I can not understand why any person on the floor of the House can object to setting a day in the future for the consideration of this bill, when we have a right to consider it now, and I hope the gentleman from Pennsylvania [Mr. MAHON]—although he has not been listening to what I have been stating—will consider the situation that confronts the House, and let us get at this matter by unanimous consent and set some day in the future. I suggested the day which I did suggest because I thought it was far enough in advance to satisfy everybody.

Mr. MOODY of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOODY of Massachusetts. If the gentleman from California should call up the bill now under this rule would it then be in order for the House on motion to postpone its further consideration until a day certain?

The SPEAKER. The Chair is of the opinion that can not be done. The way to get back to the consideration of this bill is when the committees are again called, and this bill, if it is in committee, will be the continuing business in the Committee of the Whole under the morning hour call, just as the civil-service bill is now in Committee of the Whole for that purpose.

Mr. DALZELL. If the gentleman from Pennsylvania can make his statement, I have no doubt an arrangement can be made that will be satisfactory.

Mr. MAHON. I have no objection to that bill being considered next week, if the gentleman will except Friday, private claim day, from the days on which it shall be considered.

Mr. LOUD. I will say, Mr. Speaker, that I introduced a rule from the committee setting aside three days. That will be the extreme limit of time, I understand, the minority will ask, and I set it at Tuesday, so that it would conclude on Thursday. I referred the matter to my colleague [Mr. GRIGGS] to ascertain if that will not cover the time they would ask; and we will probably not use all of the two days.

Mr. HEPBURN. I hope the gentleman will consent to postpone this matter to a week later.

Mr. MOODY of Massachusetts. Will the gentleman from California allow me to make a suggestion in the line of that of the gentleman from Iowa?

The SPEAKER. Does the gentleman from California yield; and if so, to whom?

Mr. LOUD. I will yield to almost anybody.

Mr. MOODY of Massachusetts. I beg pardon of the gentleman from Iowa.

Mr. LOUD. I could not hear what either gentleman said.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask a question for information.

Mr. LOUD. I yield to the gentleman from Iowa, if he asked a question, as I presume he did.

Mr. CLARK of Missouri. I want to ask a question for information.

The SPEAKER. Does the gentleman yield?

Mr. LOUD. I stated that I would yield to the gentleman from Iowa, if he asked a question.

Mr. HEPBURN. I simply want to ask the gentleman from California if he will not consent to postpone the time for the consideration of this bill one week later. I have introduced a resolution authorizing the adoption of a rule by the Committee on Rules, and hope it will be reported, looking to the appropriation of that day for another matter.

Mr. BAILEY of Texas. May I ask the gentleman to state what that is?

Mr. HEPBURN. I asked for a day to consider the Nicaragua Canal bill.

Mr. BAILEY of Texas. The gentleman has introduced a rule, and that has been referred to the Committee on Rules?

Mr. HEPBURN. Yes, sir.

Mr. BAILEY of Texas. I hope it will be reported.

The SPEAKER. The gentleman from Iowa is recognized by the gentleman from California.

Mr. LOUD. I would like to ask the gentleman from Iowa what he thinks his prospects are to get a rule from that committee?

Mr. HEPBURN. I think from conversations I have had with gentlemen who have influence in that matter that a rule will be reported. [Laughter.]

Mr. LOUD. I would have no objection, Mr. Speaker, to making this a week later than that. That would be the 20th.

The SPEAKER. The gentleman from California now asks unanimous consent that House bill 6071 be set down for consideration after the approval of the Journal on March 20. Is there objection?

Mr. MAHON. I object.

The SPEAKER. Objection is made.

Mr. LOUD. Now, Mr. Speaker, I call up the bill H. R. 6071, unprepared as we are to discuss this question.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6071) to amend the postal laws relating to second-class mail matter.

The Clerk proceeded to read the bill.

Mr. MOODY of Massachusetts. Mr. Speaker, I want to see if we can not clear up the misunderstanding which evidently exists.

The SPEAKER. As a preliminary step the House again is requested to come to order.

Mr. MOODY of Massachusetts. Mr. Speaker, my interest in this matter simply comes from the fact that I have done a good deal of work upon this and other questions upon post-office matters. I understand the gentleman from Pennsylvania objected, and properly and naturally enough, because he believed the proposition submitted by the gentleman from California might involve the loss of Friday for the consideration of claims that have been reported to the House. Now, I would ask the gentleman from California if he would not make his request in a form to begin on Tuesday, the 20th of March, the consideration of this bill, and that it should be so held that it should be finally disposed of on the following Thursday afternoon, so that Friday will be at the disposal of the gentleman from Pennsylvania.

Mr. LOUD. Mr. Speaker, I will state again—

Mr. MOODY of Massachusetts. So that it will not include any part of Friday.

Mr. LOUD. I thought I made the statement as clear and as distinct as it can be made; and that was that unanimous consent should be given that this measure come up on Tuesday and that no one would ask for its consideration extending beyond Thursday.

Mr. MAHON. Fix the time, and I am satisfied.

Mr. LOUD. I am perfectly willing, Mr. Speaker, to ask that a vote shall be taken not later than Thursday.

Mr. MAHON. That is all right.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 6071 be set down for consideration on March 20, after the approval of the Journal, and to be disposed of not later than the Thursday following the taking up of the bill.

Mr. CLARK of Missouri. Mr. Speaker, I want to ask a question, and I do not know whether to ask it of the Chair or the gentleman from California [Mr. LOUD].

Mr. LOUD. The gentleman had better ask it through the Speaker.

Mr. CLARK of Missouri. Who is going to control the time against this bill if all the members of the committee are in favor of the bill?

Mr. LOUD. Oh, I think we can arrange that.

Mr. CLARK of Missouri. When it was up before I helped to kill it. I am not sure now whether I am in favor of it or against it as it has been modified, but I think the fighting that is going to be done against it ought to be put into the hands of a man who wants it beaten.

Mr. LOUD. I think that can be arranged.

The SPEAKER. The Chair will state to the gentleman from Missouri that if there is no one on the committee to resist the bill, the first member claiming recognition to oppose the bill will be recognized for that purpose. It does not necessarily follow that he will control the time, because after he has had his hour and the other side an hour, some other gentlemen in opposition would be recognized. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and it is so ordered. The Chair will ask the gentleman from California [Mr. LOUD] if there is anything further from the Committee on Post-Office and Post-Roads?

Mr. LOUD. Nothing further.

#### SIoux CITY AND PACIFIC RAILROAD COMPANY.

The Clerk proceeded with the call of committees, when the Committee on Pacific Railroads was called:

Mr. POWERS. Mr. Speaker, I ask leave to call up House bill 2864, to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

The SPEAKER. The Chair understands that this bill is on the Union Calendar.

Mr. POWERS. The bill is on the Union Calendar, Mr. Speaker.

The SPEAKER. The Chair is of the opinion that it is erroneously referred to that Calendar. Does it impose a burden of any character, directly or indirectly? It seems to be simply a bill to appoint a commission.

Mr. POWERS. That is all. But to obviate any trouble, Mr. Speaker, I ask unanimous consent to take it up at this time.

Mr. RICHARDSON. I should like to have the bill reported, Mr. Speaker.

The Clerk read the bill as follows:

*Be it enacted, etc., That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States, and when such settlement is approved by the President it shall become operative, and the Attorney-General shall make the necessary acquittances to said railroad company.*

With the following amendment recommended by the committee:

*In the eighth line, after the word "States," insert the words: "Provided, That they deem the same for the best interests of the Government."*

Mr. McRAE. Mr. Speaker, I want to ask what prevents the railroad company from paying the Government what it owes?

Mr. POWERS. The railroad company is in the condition of a great many people in this world—it is insolvent, or practically so. It has been operated for some years by the Northwestern Railroad under a contract with that road, and which road owns a considerable majority of the common stock of the Sioux City and Pacific Railroad. The committee, in view of the fact that the Sioux City and Pacific Railroad on its own account had not the means to make payment of this indebtedness, at present at least, thought it the better course to submit the matter to the Secretary of the Treasury, the Attorney-General, and the Secretary of the Interior to make a settlement with the company upon such terms as this commission might deem fair to the Government; and they are actuated to present the matter in this form by reason of the fact that a similar commission made a very favorable settlement for the Government with the Union Pacific road.

Mr. McRAE. Has this road a land grant?

Mr. POWERS. It has; but with the land grant the House is not at present concerned. The grant of land was a gift to the railroad company, and therefore it has gone beyond the reach of Congress.

Mr. McRAE. The company does not own the land now?

Mr. POWERS. The company owns some portion of it, and some portions of it have been sold. I am unable to state what proportion has been sold, but a large amount. I am informed by the gentleman from Iowa on my left that they own but little now.

Mr. McRAE. Have any legal proceedings been commenced against the company?

Mr. POWERS. I can not advise the gentleman, for on that point I am not informed. I will yield, however, to the gentleman from Iowa [Mr. THOMAS] who introduced the bill.

Mr. THOMAS of Iowa. At one time, Mr. Speaker, there was a suit against the company for the purpose of recovering the interest. That suit was brought and taken, I believe, to the Supreme Court of the United States on appeal, and it was held that the suit was prematurely brought by reason of the fact that there was no provision in the mortgage under which action could be maintained to recover the interest until the maturity of the principal

of the mortgage. I will say further, adding to the remarks of the gentleman from Vermont [Mr. POWERS], that this is a line of road of about 101 miles in length, running from Sioux City, in a southeasterly course on the east side of the Missouri River, to a small town called California Junction; thence at an acute angle west across the Missouri River to Fremont, Nebr. It is a line that can not be operated as an independent line, but merely forms a link in other railroads that are now owned by the Chicago and Northwestern Company.

Mr. McRAE. In view of the unanimous report of the committee and the statements of the gentleman from Vermont [Mr. POWERS] and the gentleman from Iowa [Mr. THOMAS], I do not object to the present consideration of the bill.

Mr. RIDGELY. I object to the consideration of this bill at this time.

The SPEAKER. The Chair understands that objection is made.

Mr. POWERS. If there has been a wrong reference of the bill—

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RIDGELY. I object.

The SPEAKER. The gentleman from Kansas objects.

Mr. POWERS. Mr. Speaker, I ask that the reference of the bill to the Union Calendar be changed.

The SPEAKER. The Chair is of opinion, after examining the authorities, that the bill ought to be on the House Calendar, and will make the change of reference. He must state, however, that the bill can not be again called up on the same day without unanimous consent, as it is due to the House that the bill, when called up, should be on the printed Calendar, so that members shall be duly notified, shall have timely warning, that a bill is liable to be brought up on this call.

Mr. DALZELL. Is not this bill properly on the Union Calendar?

The SPEAKER. The Chair thinks not.

Mr. DALZELL. It involves a charge on the Government.

The SPEAKER. It does not imply one way or the other that there is or is not to be a charge on the Government. Non constat the Government may receive double what is contemplated in the bill.

Mr. DALZELL. And may receive one-half. It authorizes the commission to make a settlement.

The SPEAKER. The position which the gentleman is contending for involves an old question—the question as to what should be the ruling where the expenditure or burden on the Government is contingent. The Chair finds there are two cases where the decision has been squarely in accord with what the Chair now holds.

Mr. PAYNE. The bill makes provision for a commission, and that necessarily involves expense.

The SPEAKER. The commission is to consist of officers of the Government who are receiving a regular salary; not a dollar is appropriated in the bill for them. The Chair must change the reference, but must deny the privilege of calling the bill up at this time.

#### AMERICAN REGISTER FOR STEAMER WINDWARD.

Mr. GROSVENOR. When the call of committees had reached the Committee on Merchant Marine and Fisheries, the gentleman from Washington called up a bill which it appeared was not on the House Calendar, and the Chair ruled that the bill was not in order, properly. At the same time the gentleman from Louisiana [Mr. RANDELL] had in his charge a small bill which is on the House Calendar; but thinking that the ruling of the Chair excluded him, he failed to call up that bill. I now ask unanimous consent that we go back to the Committee on Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Ohio asks unanimous consent to recur to the Committee on Merchant Marine and Fisheries.

There was no objection.

The SPEAKER. The gentleman from Ohio is recognized to call up a bill.

Mr. GROSVENOR. I ask the Chair to recognize the gentleman from Louisiana [Mr. RANDELL].

The SPEAKER. The gentleman from Louisiana is recognized.

Mr. RANDELL. I call up on behalf of the Committee on Merchant Marine and Fisheries the bill (H. R. 6767) to grant an American register to the steamer *Windward*.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer Windward, owned by Civil Engineer Robert E. Peary, United States Navy, to be registered as a vessel of the United States, provided that she shall not engage in the coast-wise trade of this Republic.*

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.



Mr. CUMMINGS. I should like to hear the report or some explanation of the bill.

Mr. RANDELL. Mr. Speaker, this is a bill to grant an American register to the steamer *Windward*. This steamer was donated to the arctic explorer, Mr. Robert E. Peary, by Alfred C. Harmsworth, of London, England. It was given to Mr. Peary for purely scientific purposes, and was used by him in making his exploration to the arctic region. After returning it was found to be in very bad condition, needing repairs that will cost about \$40,000. It is now lying at Brigus, Newfoundland, where the Arctic Exploration Club propose to expend that much money, \$40,000, in putting the vessel in first-class order, practically making it a new vessel.

The sole and only purpose of this bill is that these gentlemen who are expending their money to advance science may have the satisfaction of sailing to the arctic seas under "the Stars and Stripes." The vessel can never be used to come in conflict with our own ships; it is provided that it can never be used in the coastwise trade. The object of the bill, I repeat, is simply to give the patriotic owners of this vessel the gratification of sailing under "the Stars and Stripes." The bill has been unanimously reported by the Committee on Merchant Marine and Fisheries after careful discussion and investigation; and as it can not conflict in any way with our own ships, I believe it should pass.

Mr. CUMMINGS. Mr. Speaker, the gentleman's explanation is entirely satisfactory.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. RANDELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

The Clerk resumed and concluded the call of committees.

The SPEAKER. This completes the call.

#### REPRINT OF A BILL.

Mr. LOUD. Mr. Speaker, I am informed by the document room clerk that the bill (H. R. 6071) relating to second-class mail matter, and the report, are both exhausted; and I ask that a reprint of the same may be ordered.

The SPEAKER. This is the bill that was set down for the special order for March 20?

Mr. LOUD. Yes.

The SPEAKER. Is there objection to the request of the gentleman from California, to order a reprint of bill and report?

There was no objection.

#### ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I wish again to call up as a privileged matter the resolutions reported by the Committee on Elections No. 1—House resolution 145—in the contested-election case of Aldrich vs. Robbins.

The SPEAKER. The resolutions have already been read, and unless demand for their reading be made, they may be considered as having been read.

There was no objection.

Mr. MANN. I will state that the gentleman from Georgia [Mr. BARTLETT], representing the minority, is, I am informed, temporarily away from the Hall at lunch. I trust that some gentleman on the other side, sharing his views, will protect his interest.

Mr. MCRAE. If the gentleman will withhold the motion, we will send for him.

Mr. MANN. I just suggested that some gentleman should raise the point of consideration, which undoubtedly he would raise, if present.

The SPEAKER. What is the gentleman's suggestion?

Mr. MANN. I would suggest, in the absence of the gentleman from Georgia, that the question of consideration be considered as having been raised by him.

Mr. RICHARDSON. Of course, if the gentleman insists, we raise the question of consideration.

The SPEAKER. The question of consideration is raised on the resolutions which have been already reported. The question is: Will the House now proceed to consider the resolutions?

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. MANN demanded a division.

The House divided, and there were—ayes 74, noes 90.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RICHARDSON. Pending that, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I make the point of order that that is a dilatory motion.

The SPEAKER. The Chair sustains the point of order.

Mr. RICHARDSON. Very well.

The SPEAKER. The yeas and nays are ordered on the question of consideration, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 132, answered "present" 5, not voting 87; as follows:

#### YEAS—128.

Acheson,	Davenport, S. A.	Jack,	Pearre,
Adams,	Dick,	Jenkins,	Phillips,
Allen, Me.	Dovener,	Jones, Wash.	Powers,
Babcock,	Eddy,	Joy,	Pugh,
Baker,	Emerson,	Kahn,	Ray,
Barham,	Esch,	Ketcham,	Reeder,
Bartholdt,	Fletcher,	Knox,	Roberts,
Bingham,	Fordney,	Lacey,	Russell,
Bishop,	Foss,	Landis,	Shattue,
Boutell, Ill.	Fowler,	Linney,	Smith, Ill.
Bowersock,	Gamble,	Littlefield,	Smith, Samuel W.
Brick,	Gardner, Mich.	Long,	Southard,
Bromwell,	Gardner, N. J.	Lorimer,	Spalding,
Brosius,	Gill,	Lovering,	Sperry,
Brown,	Gillet, N. Y.	Lybrand,	Steele,
Burkett,	Gillett, Mass.	McPherson,	Stevens, Minn.
Burleigh,	Graff,	Mahon,	Stewart, N. J.
Burton,	Graham,	Mann,	Stewart, N. Y.
Butler,	Greene, Mass.	Marsh,	Stewart, Wis.
Calderhead,	Grosvenor,	Mesick,	Tawney,
Capron,	Grow,	Miller,	Taylor, Ohio
Clarke, N. H.	Hamilton,	Minor,	Thomas, Iowa
Cochrane, N. Y.	Haugen,	Mondell,	Thropp,
Corliss,	Hedge,	Moody, Mass.	Tongue,
Cousins,	Hemenway,	Moody, Oreg.	Van Voorhis,
Cramer,	Henry, Conn.	Morris,	Vreeland,
Crump,	Hepburn,	Needham,	Waters,
Crumpacker,	Hill,	O'Grady,	Watson,
Curtis,	Hitt,	Otjen,	Weaver,
Cushman,	Hoffecker,	Overstreet,	Weeks,
Dahle, Wis.	Hopkins,	Parker, N. J.	White,
	Howell,	Payne,	Young, Pa.

#### NAYS—132.

Adamson,	Davey,	Levy,	Robinson, Nebr.
Allen, Ky.	Davis,	Lewis,	Rucker,
Allen, Miss.	De Armond,	Little,	Ruppert,
Atwater,	De Graffenreid,	Livingston,	Ryan, N. Y.
Bailey, Tex.	De Vries,	Lloyd,	Ryan, Pa.
Ball,	Dinsmore,	McAleer,	Scudder,
Bankhead,	Dougherty,	McClellan,	Shackleford,
Barber,	Elliott,	McCulloch,	Shafroth,
Bartlett,	Finley,	McDowell,	Sheppard,
Bell,	Fitzgerald, Mass.	McLain,	Sibley,
Bellamy,	Fitzgerald, N. Y.	McRae,	Sims,
Berry,	Foster,	Maddox,	Slayden,
Bradley,	Gaines,	Meekison,	Snodgrass,
Brantley,	Gaston,	Meyer, La.	Spight,
Breazeale,	Gayle,	Miers, Ind.	Stark,
Brenner,	Gilbert,	Moon,	Stephens, Tex.
Brewer,	Glynn,	Muller,	Stokes,
Brundidge,	Gordon,	Naphen,	Sulzer,
Burke, Tex.	Griffith,	Neenan,	Talbert,
Burleson,	Griggs,	Norton, Ohio	Taylor, Ala.
Burnett,	Henry, Miss.	Norton, S. C.	Terry,
Caldwell,	Howard,	Otey,	Thayer,
Carmack,	Jett,	Pierce, Tenn.	Thomas, N. C.
Catchings,	Johnston,	Quarles,	Turner,
Chanler,	Jones, Va.	Ransdell,	Underwood,
Cochran, Mo.	Kitchin,	Rhea, Ky.	Vandiver,
Cooney,	Kleberg,	Rhea, Va.	Williams, J. R.
Cooper, Tex.	Klutz,	Richardson,	Williams, Miss.
Cowherd,	Lamb,	Ridgely,	Wilson, Idaho
Crawford,	Lanham,	Riordan,	Wilson, N. Y.
Cummings,	Latimer,	Rixey,	Young, Va.
Cusack,	Lentz,	Robb,	Zenor,
Daly, N. J.	Lester,		Ziegler.

#### ANSWERED "PRESENT"—5.

Clark, Mo.	Davenport, S. W.	Metcalf,	Olmsted.
Dalzell,			

#### NOT VOTING—87.

Alexander,	Driscoll,	Loudenslager,	Smith, Ky.
Bailey, Kans.	Epes,	McCall,	Smith, H. C.
Barney,	Faris,	McCleary,	Smith, Wm. Alden
Benton,	Fitzpatrick,	May,	Sparkman,
Boreing,	Fleming,	Mercer,	Sprague,
Boutelle, Me.	Fox,	Morgan,	Stallings,
Broussard,	Freer,	Mudd,	Sulloway,
Brownlow,	Gibson,	Newlands,	Sutherland,
Bull,	Green, Pa.	Packer, Pa.	Swanson,
Burke, S. Dak.	Grout,	Pearce, Mo.	Tate,
Campbell,	Hall,	Polk,	Tompkins,
Cannon,	Harmer,	Prince,	Underhill,
Clayton, Ala.	Hawley,	Reeves,	Wachter,
Clayton, N. Y.	Hay,	Robbins,	Wadsworth,
Connell,	Heatwole,	Robertson, La.	Wanger,
Cox,	Henry, Tex.	Robinson, Ind.	Warner,
Crowley,	Hull,	Rodenberg,	Weymouth,
Davidson,	Kerr,	Salmon,	Wheeler, Ky.
Dayton,	Lane,	Shelden,	Williams, W. E.
Denny,	Lawrence,	Sherman,	Wilson, S. C.
Dolliver,	Littauer,	Showalter,	Wright.
Driggs,	Loud,	Small,	

So the House refused to consider the case.

Mr. OLMSTED. I desire to inquire if the gentleman from Illinois, Mr. WILLIAM E. WILLIAMS, is recorded as voting?

The SPEAKER. He is not recorded as voting.

Mr. OLMSTED. Then, having a general pair with him, I desire to change my vote from "aye" to "present."

The SPEAKER. The change will be made accordingly.

The Clerk announced the following additional pairs:

During this session:

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Until March 14:

Mr. OLMSTED with Mr. WILLIAM E. WILLIAMS.

For this day:

Mr. PEARCE of Missouri with Mr. CLAYTON of Alabama.

Mr. HARMER with Mr. HENRY of Texas.

On this vote:

Mr. CANNON with Mr. MAY.

Mr. WANGER with Mr. GREEN of Pennsylvania.

Mr. MERCER with Mr. ROBINSON of Indiana.

Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. CLARK of Missouri. —Mr. Speaker, I should like to inquire if the gentleman from Iowa, Mr. DOLLIVER, voted?

The SPEAKER. He did not.

Mr. CLARK of Missouri. I will withdraw my vote, then, because he and I are paired.

The SPEAKER. The gentleman's vote will be withdrawn, in the absence of objection.

The result of the vote was announced as above recorded.

#### ORDER OF BUSINESS.

Mr. GROW. Mr. Speaker, I rise to a privileged motion.

Mr. UNDERWOOD. I move that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania [Mr. GROW] states that he rises to a privileged motion.

Mr. GROW. And previous to making the motion I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROW. Have sixty minutes expired since the commencement of the morning hour?

The SPEAKER. The morning hour did not consume sixty minutes.

Mr. GROW. I understand that the morning hour commenced by the call of committees at five minutes past 1.

The SPEAKER. The record was kept at the desk, and the time was short of an hour. There were several members wishing to take advantage of it, if sixty minutes had elapsed, but an hour was not consumed.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. YOUNG of Pennsylvania, for three days, on account of important business.

And then, on motion of Mr. PAYNE (at 2 o'clock and 23 minutes p. m.), the House adjourned.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the chairman of the Industrial Commission, transmitting preliminary reports of the commission and a compilation of laws relating to industrial combinations—to the Committee on Labor, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Acting Solicitor of the Treasury submitting an estimate of appropriation for reimbursing the postal revenues—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Superintendent of the Coast and Geodetic Survey, submitting an estimate of appropriation for compensation of owner of the steamer *J. R. Carroll*—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Catherine A. Talburt, administratrix of estate of George W. Talburt, against the United States—to the Committee on War Claims, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 6634) to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes, reported the same with amendment, accompanied by a report (No. 474); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8566) authorizing certain suits in the Court of Claims, and for other purposes, reported the

same with amendment, accompanied by a report (No. 475); which said bill and report were referred to the House Calendar.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 8069) to amend an act approved July 22, 1892, entitled "An act to provide for the opening of alleys in the District of Columbia," reported the same with amendment, accompanied by a report (No. 476); which said bill and report were referred to the House Calendar.

Mr. HULL, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8663) to provide a chaplain for each regiment in the United States service, and for other purposes, reported the same without amendment, accompanied by a report (No. 477); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. LANDIS, from the Committee on Foreign Affairs, to which was referred the bill of the Senate (S. 1740) to authorize C. E. Marr and E. H. Pierce to accept silver watches awarded to them by the government of the Dominion of Canada in recognition of their services in rescuing British sailors, reported the same without amendment, accompanied by a report (No. 473); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MIERS of Indiana (by request): A bill (H. R. 9053) to provide for the removal of overhead telegraph and telephone wires in the city of Washington, for the construction of conduits in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. CUMMINGS: A bill (H. R. 9054) making an appropriation for the reconstruction of building No. 7 in the navy-yard, New York, destroyed by fire February 11, 1900, and for other purposes—to the Committee on Naval Affairs.

By Mr. GRIFFITH: A bill (H. R. 9055) to remedy certain evils in Navy administration—to the Committee on Naval Affairs.

By Mr. LEVY: A bill (H. R. 9056) to protect the city of Washington against freshets, and for other purposes—to the Committee on the District of Columbia.

By Mr. NEVILLE: A bill (H. R. 9057) to allow fourth-class postmasters a salary of \$100 per annum and \$10 per month for rent, light, and fuel in addition to the fees and compensation which they are now allowed by law—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIOTT: A bill (H. R. 9058) to provide for the reimbursement to the governors of the several States for payment of certain pay and expenses of the Naval Militia—to the Committee on Naval Affairs.

By Mr. JOY: A joint resolution (H. J. Res. 190) authorizing Secretary of War to present a medal of honor to Capt. George M. Jackson—to the Committee on Military Affairs.

By Mr. ALEXANDER: A joint resolution (H. J. Res. 192) authorizing the President of the United States to invite the Government of Great Britain to join in the formation of an international commission to examine and report upon the diversion of the waters that are the boundaries of the two countries—to the Committee on Foreign Affairs.

By Mr. SULZER: A joint resolution (H. J. Res. 193) expressing sympathy with the Boers—to the Committee on Foreign Affairs.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 9059) to correct the military record of Erwin Hays—to the Committee on Military Affairs.

Also, a bill (H. R. 9060) granting a pension to Mary A. Hicks—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 9061) granting a pension to Mary F. Breedlove—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 9062) for the relief of the estate of James M. Barker, deceased, late of Crockett Bluff, Arkansas County, Ark.—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 9063) for the relief of Frank Lincoln—to the Committee on Claims.

Also, a bill (H. R. 9064) to correct the military record of Horace B. Kenniston—to the Committee on Military Affairs.



By Mr. CATCHINGS: A bill (H. R. 9065) for the relief of the estate of Jane N. Gibson, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. CALDWELL: A bill (H. R. 9066) granting an increase of pension to Joseph N. Loving—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9067) granting a pension to David W. Small—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 9068) for the relief of the heirs of Alexander Bradshaw—to the Committee on War Claims.

By Mr. GASTON: A bill (H. R. 9069) appropriating \$300 to John Schlup—to the Committee on War Claims.

By Mr. HOFFECKER: A bill (H. R. 9070) granting an increase of pension to Daniel H. Kent—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 9071) granting a pension to Mrs. Mary J. Gillam—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 9072) granting a pension to William F. Browning—to the Committee on Invalid Pensions.

By Mr. NORTON of Ohio: A bill (H. R. 9073) to increase the pension of William B. Smith, late private, Company F, Thirteenth Indiana Infantry—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9074) to remove the charge of desertion standing against the name of George A. Creller, late of Company D, Seventh New York Heavy Artillery—to the Committee on Military Affairs.

By Mr. SIBLEY: A bill (H. R. 9075) to pension Charles Dalrymple—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 9076) for the relief of William H. Harrison, late pilot under Rear-Admiral D. G. Farragut, commanding the West Gulf Blockading Squadron during the civil war—to the Committee on War Claims.

By Mr. TURNER: A bill (H. R. 9077) for the relief of W. J. Tapp & Co.—to the Committee on Claims.

Also, a bill (H. R. 9078) for the relief of Thierman & Frost—to the Committee on Claims.

By Mr. ZIEGLER: A bill (H. R. 9079) to remove the charge of desertion from the military record of William A. Knudson—to the Committee on Military Affairs.

By Mr. ROBERTS: A joint resolution (H. J. Res. 191) for the relief of Mrs. Baker and family—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN VOORHIS: A resolution (H. Res. 165) relative to the payment to Don C. Walters a difference due in salary—to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Statement to accompany House bill to correct the military record of Erwin Hays—to the Committee on Military Affairs.

Also, resolutions of the Importers and Grocers' Exchange of Philadelphia, with reference to the bill for the encouragement of the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALEXANDER: Petition of Daughters of the Revolution of Buffalo, N. Y., favoring the passage of House bill No. 6879, relating to the employment of graduate women nurses in the hospital service of the United States Army—to the Committee on Military Affairs.

By Mr. BARTLETT: Resolutions of Central City Lodge, No. 8, of Macon, Ga., International Association of Machinists, for provision to grant certain employees of the Government the usual leave of absence with pay—to the Committee on Naval Affairs.

By Mr. BELL: Petitions of Col. H. E. Macarey and Capt. Fred J. White, of Denver, Colo., favoring the Stark bill to improve the armament of the militia—to the Committee on the Militia.

Also, petition of A. E. Baker, D. D. S., of Idaho Springs, Colo., in favor of the passage of House bill No. 7017, amending the law relating to certain patents—to the Committee on Patents.

Also, petition of the Woman's Christian Temperance Union of Canon City, Colo., for prohibition in Hawaiian Islands—to the Committee on the Territories.

Also, petition of Dr. E. J. Reinhardt, of Denver, Colo., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petitions of Patrick & Airgood, of Roswell; J. Cogan, of Nathrop, and Bomgardner & O'Neill, of La Junta, Colo., favoring the passage of the Grout anti-oleomargarine bill—to the Committee on Agriculture.

Also, petitions of Felix Cain, of Springfield; J. H. Kincaid and J. B. Petrie, of La Veta; E. A. Peterson and others, of Wallet; Dana & Shaw, George Neally, and A. Walters, of Burlington; W. H. Dawson, of Lamar; W. H. Ross, of Craig; T. T. Widman,

of Monte Vista, and J. N. Lamb, of Bethune, Colo., and Fred Harrison, of Farmington, N. Mex., asking that the Government continue the manufacture and distribution of blackleg vaccine—to the Committee on Agriculture.

By Mr. BURTON: Petition of militia organizations of Cleveland, Ohio, in favor of House bill No. 7936, making an increase in the appropriation for arming and equipping the militia of the States and Territories—to the Committee on Military Affairs.

By Mr. CALDWELL: Petition of A. M. Boyd & Co. and other citizens of Petersburg, Ill., favoring the passage of Senate bill No. 1439, to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRANE of New York: Petitions of C. M. Bray, of Kinderhook, N. Y., and Solomon Sharp and others, of Stuyvesant Falls, N. Y., for a law subjecting food and dairy products to the laws of the State or Territory into which they are imported—to the Committee on Interstate and Foreign Commerce.

By Mr. CONNELL: Petitions of C. Ruland, J. F. Sayer, J. W. Clouse, and others, of Moscow, Pa., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of M. G. Jeffers and others, of Janesville, Wis., asking for relief for Horace B. Kenniston, that he may be received at the Soldiers' Home—to the Committee on Military Affairs.

By Mr. COWHERD: Paper to accompany House bill for the relief of Alexander Bradshaw—to the Committee on War Claims.

By Mr. FITZGERALD of Massachusetts: Petition of the Minnesota National Park and Forest Reserve Association and others, urging the establishment of a national park in northern Minnesota—to the Committee on the Public Lands.

Also, petition of the Walker Rentals Drug Company, for the repeal of the stamp tax on medicines, etc.—to the Committee on Ways and Means.

Also, petition of John F. Dwyer, W. L. Terhune, and the New England College of Languages, of Boston, Mass., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. GREENE of Massachusetts: Petition of Post No. 46, Grand Army of the Republic, Department of Massachusetts, in support of the House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. MERCER: Resolution of the Omaha (Nebr.) Woman's Club, indorsing House bill No. 6879, for the employment of women nurses in military hospitals of the Army—to the Committee on Military Affairs.

Also, resolution of the Omaha (Nebr.) Central Labor Union, against the alienation of public lands by the United States to any but actual settlers, and also in favor of Government building of reservoirs—to the Committee on the Public Lands.

By Mr. METCALF: Resolution of San Francisco Lodge, No. 68, International Association of Machinists, for the construction of gunboats and cruisers in the several navy-yards of the Government—to the Committee on Naval Affairs.

By Mr. MIERS of Indiana: Papers to accompany House bill granting a pension to William F. Browning—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Petitions of the American Whist Player Company and of A. W. Hunt, of Boston, Mass., in opposition to the passage of House bill No. 6071, relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RANSDELL: Papers relating to the claim of Aaron Register, of the State of Louisiana—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of J. A. Stutz and other physicians of the State of Indiana, favoring the passage of a bill for the purchase or location of a site for a monument to Dr. Daniel Hahnemann—to the Committee on the Library.

By Mr. SHAFROTH: Petition of Hon. Charles S. Thomas, of Colorado, and others, with reference to arid and public lands—to the Committee on the Public Lands.

By Mr. SHATTUC: Papers to accompany House bill for the relief of William H. Harrison, late pilot under Rear-Admiral D. G. Farragut in the civil war—to the Committee on War Claims.

By Mr. STEELE: Petition of Z. R. Saunders, for increase of pensions—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Petition of South Platte Congregational Church, Hall County, Nebr., for the passage of a bill enacting a Sunday law; also a bill to limit absolute divorce—to the Committee on the District of Columbia.

By Mr. VAN VOORHIS: Petition of C. E. Miller and other citizens of Muskingum County, Ohio, for an appropriation for the improvement of the North Muskingum River—to the Committee on Rivers and Harbors.

By Mr. YOUNG of Pennsylvania: Paper relating to section 61 of the revenue act of 1894, as to the tax on the use of alcohol in the arts or in any medicinal or other like compound—to the Committee on Ways and Means.

By Mr. ZIEGLER: Affidavit to accompany House bill to remove the charge of desertion now standing against William A. Knudson—to the Committee on Military Affairs.

## SENATE.

FRIDAY, March 2, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### BRUNSWICK (GA.) HARBOR IMPROVEMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, stating, in response to a resolution of the 20th ultimo, relative to the report made by H. L. Marinden, the officer of the Coast and Geodetic Survey detailed by him to make survey of the outer bar of Brunswick, Ga., filed in the War Department December 4, 1899, together with the report supplemental thereto, that the reports called for were transmitted to the Auditor for the War Department on December 22, 1899; which was referred to the Committee on Commerce.

### PROTEST AGAINST RECIPROCITY TREATIES.

Mr. PERKINS. Mr. President, I present a protest from the entire delegation in Congress from California against the adoption or ratification by the Senate of the so-called Jamaica reciprocity treaty and the French treaty. I also present a memorial, with about 15,000 names, from 35 different horticultural, viticultural, agricultural, and citrus organizations or associations in California, protesting against the ratification of the so-called Jamaica treaty. I will ask that the names of the 35 associations be noted in the RECORD and that the accompanying memorial be referred to the Committee on Foreign Relations.

Mr. HOAR. I should like to inquire of the Chair whether the protest of a delegation in Congress can be received by the Senate as a petition. It is certainly a very unusual method of proceeding. Protests against legislation, even made by Senators alone, are only received on leave. We never have established in our legislative practice the habit of allowing protests to be entered upon the files or upon the Journals of either House of Congress without special leave, and special leave has been several times in our legislative history refused.

I do not want to make a mountain out of a molehill, but I suggest to the Senator whether the particular things he speaks of had not better be presented not as a petition, but be presented by him some time in his remarks on the subject, or in some other mode.

Mr. PERKINS. Mr. President, it seems to me that the right of petition and remonstrance should at all times be considered sacred and as a privileged question. In the ratification of a treaty by the Senate the members of the other House have no opportunity of being heard except by a petition or memorial to this body. I know it has been the precedent established heretofore that such petitions have been presented, and no protest or remonstrance to my knowledge has ever been made against their presentation.

Mr. HOAR. If the Senator will pardon me one moment, if it is a remonstrance against the pending treaty, I raise the point that it should be presented in executive session.

Mr. PERKINS. The point would be well taken had not the seal of secrecy been removed from the treaty. It has been printed for the use of the public and disseminated throughout the country by the press. This is a question of great moment and interest to the people of the State whom I have the honor in part to represent upon this floor, and I am sure that my friend from Massachusetts, upon reflection, will say that this is the proper avenue, the proper method and manner, by which the people may speak through their representatives to this body which represents them.

Mr. HOAR. Mr. President, the fact that the injunction of secrecy has been removed does not make a legislative session, where treaties are not pending, the proper place for presenting a petition on that subject. I respectfully submit that the petition should be presented in executive session, whether the seal of secrecy has been removed from the treaty or not. I also shall raise at the proper time, when it is presented, the question that a protest by the united delegation of a State can not be entered upon the files or Journal of the Senate as a petition.

The PRESIDENT pro tempore. The Chair holds that, notwithstanding the treaties have been printed as a public document, the

proper place to present such petitions or memorials is in executive session.

### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of Local Lodge No. 406, International Association of Machinists, of New York City, praying for the enactment of legislation to increase the salary of machinists working in the Government Printing Office at Washington, D. C.; which was referred to the Committee on Printing.

He also presented a memorial of the Sporting Goods Gazette, of Syracuse, N. Y., and a memorial of the Scientific American, of New York City, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the joint committee on customs of the Merchants' Association of New York, praying for an increase in the salaries of the examiners in the public stores at the port of New York; which was referred to the Committee on Finance.

He also presented a memorial of Local Union No. 5, Cigar Makers' International Union, of Rochester, N. Y., remonstrating against the importation of cigars from Puerto Rico free of duty; which was ordered to lie on the table.

He also presented a petition of Local Union No. 5, Cigar Makers' International Union, of Rochester, N. Y., praying that all the public lands be held for the benefit of the whole people, etc.; which was referred to the Committee on Public Lands.

He also presented a petition of 101 citizens of Brushton, N. Y., and a petition of 57 citizens of Moira, N. Y., praying for the enactment of legislation to regulate the sale and manufacture of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the California Club, of San Francisco, Cal., praying for the purchase of the Calaveras Grove of Sequoias, Cal., for the purposes of a national park; which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. NELSON presented the petition of Eva W. Johnson and sundry other citizens of Minneapolis, Minn., and the petition of Mrs. Robert Jamison and sundry other citizens of Minneapolis, Minn., praying for the establishment of a national park in that State; which were referred to the Committee on Public Lands.

Mr. SCOTT presented a memorial of the Retail Grocers' Protective Association, of Wheeling, W. Va., remonstrating against the passage of the so-called parcels post bill; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented the memorial of Willis McDuffee, of Rochester, N. Y., remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURNER presented a petition of the Chamber of Commerce of Seattle, Wash., praying that the survivors of the Indian wars from 1817 to 1856, inclusive, be granted pensions; which was referred to the Committee on Pensions.

Mr. LINDSAY presented a petition of sundry citizens of Louisville, Ky., praying for a reduction of the tax upon spirits; which was referred to the Committee on Finance.

He also presented a petition of sundry railway mail clerks of Frankford, Ky., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorials of John B. Hurst, of Harlan; C. W. Miller, of Lexington; Clarence E. Woods, of Richmond; E. S. Albright, of Mount Vernon, and G. T. Friel, of Catlettsburg, all in the State of Kentucky, remonstrating against the passage of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FOSTER. I present a petition of the Chamber of Commerce of Seattle, Wash., relative to the appointment of a sufficient number of judges for the Territory of Alaska, and that the people of that Territory be allowed representation in Congress. I ask that the petition be printed in the RECORD, and referred to the Committee on Territories.

There being no objection, the petition was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

*To the Senate and House of Representatives in Congress assembled:*

It is hereby represented to your honorable body by the Seattle Chamber of Commerce that it has been an ordinary lifetime—thirty-three years—since the great district or Territory of Alaska was acquired by the United States from Russia. As a very small price was asked for the country, it was supposed by many people that it was not worth much. Though the idea was a mistaken one, these people have never been able to get it out of their heads. They have believed that it was an uninhabitable waste of ice and rock, the debris of the earth, the worthless rubbish left over after completion of the great work of creation. It was not worth while to make a Territory of it, as had been done with Washington, Oregon, Idaho, Montana, Utah, and other parts, and give it a legislature, organic act, Delegate in Congress, application of the land laws, and other advantages, as had been given to the Territories before, as in Alaska there could be no people to govern—not enough to hold